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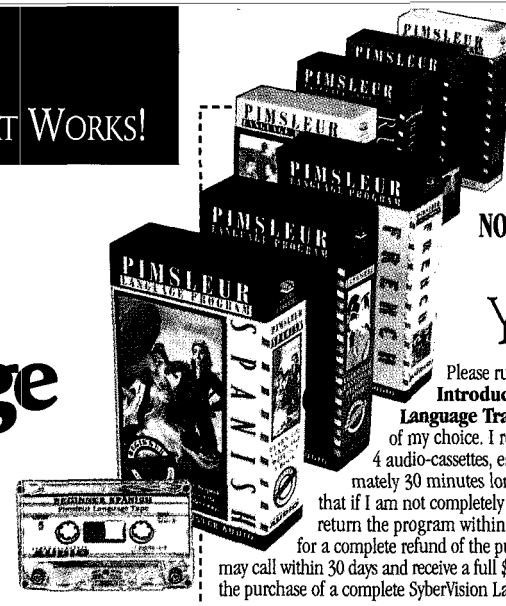

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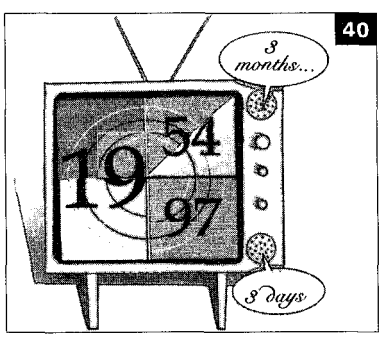

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Post-Crisis Politics

Why investigative reporters and political activists seem so depressed

By Virginia Postrel

At a recent convention for investigative journalists, *New York Times* columnist Maureen Dowd found a lot of unhappy reporters. They're digging up tons of dirt—the Clinton scandals alone can fill several pages of every day's newspaper—but the public just won't get hysterical about it. "We live in this bland yuppified era when people just care about fresh-squeezed orange juice and watching the stock numbers in the paper," complained Charles Lewis of the Center for Public Integrity.

Conservative political activists are equally depressed. They can't muster any public enthusiasm about their issues—from restricting the political use of union dues (an embarrassing loser in the California primary) to the danger of popular music to those same Clinton scandals. Meanwhile, the Reagan coalition is falling apart, riven by serious disagreements about governing philosophy. At a recent social gathering, I heard an honest conservative intellectual say what a lot are surely thinking: We miss the Cold War. We wish we had a big, bad enemy to rally against.

Conservatives are down in the dumps, but their counterparts on the left haven't exactly gained momentum. Ralph Nader tried to make the evils of Microsoft a popular rallying point and got nowhere; techies and lawyers may care, but the general public just wants computers that work. *The Atlantic Monthly* is on a crusade to convince us that environmental catastrophe looms, but again, no public outcry has ensued. This isn't 1970, or even 1990.

News magazines have increasingly abandoned politics and foreign affairs for cover stories on health, wealth, and science. Dr. Laura Schlesinger's relationship advice has replaced Rush Limbaugh's politics in the top slot not only on talk radio but in the hearts of some conservatives.

Meanwhile, the Clinton administration survives because it cares mostly about surviving. Having lost the Democratic Congress to its health care ambitions, the administration now contents itself with small stuff: cigarette billboards, day care, tax credits for college. The president still musters the rhetoric of crisis, complete with the appropriately trembling lip, and the media dutifully record the story. But the public yawns.

Welcome to the post-crisis political world. It's a strange place, not at all like the one we're used to. It's not "the end of history," but it is definitely a different era. It requires a new approach to both politics and political discourse.

Since the turn of the century, our politics and media have followed a pattern. News, as Paul Weaver observed in *News and the Culture of Lying* (1994), has been defined as a story about "crisis and emergency response—about the waxing and waning of urgent danger to the community and about the actions of responsible officials to cope." Something terrible is happening, and immediate, dramatic action (mostly by the government, but sometimes by its opponents) is necessary to prevent disaster. That's the news—and hence, the politics—of crisis. That's the world to which we've grown accustomed.

Everyone in politics, regardless of ideology, has been shaped by that world and its assumptions. Everyone resorts to the rhetoric of crisis and emergency response: If you want to enlarge government, you find a crisis that demands a program, from Medicare to ClintonCare. If you want to shrink it, you find a countervailing crisis that demands deregulation, tax cuts, or fiscal austerity. Ross Perot made the budget deficit the Republicans' favorite crisis.

It helps that the 20th century has been full of genuine crises: two World Wars, a Great Depression, the Cold War. No sooner had we gotten over the Cold War than we faced the one-two punch of Iraq's invasion of Kuwait, leading to the Gulf War, and then a recession. The politics of crisis thus survived most of Bill Clinton's first term, well into the new Republican Congress. A supposed emergency fed ClintonCare, and the threat of that economic takeover itself created a sense of crisis. From the high-turnout election of 1992 through at least 1995, Americans were terrifically engaged in political life.

And then they turned it off. The general public just stopped paying attention, stopped caring, stopped believing that any domestic problem was so urgent that politicians in Washington needed to Act Now! to solve it. Amid peace and prosperity, Americans decided they could solve their own, relatively manageable problems. They stopped expecting crises. And they stopped trusting the people who told them to see that emergencies loomed everywhere.

Without a genuine threat—war, natural disaster, economic collapse—crisis politics demands some sort of consensus, usually enforced by a formal or informal information cartel, that such and such is the pressing issue of the day. That consensus no longer exists. Wise to the manipulative ways of politicians, sophisticated about media conventions, and able to get information from a host of different voices, the general public has stopped believing in the politics of crisis.

Hence, the investigative journalists are down in the dumps. So are officials of both parties. So are pundits and activists and analysts. They keep casting about for crises that will engage the public imagination, that will command attention, that will make them look like heroes. Emergencies are good for business—for vote getting, for direct mail, for ratings. Emergencies help cut through clutter; they tell the public that this issue, this politician, this pundit, is too important to ignore. So people who make politics their business are always looking for emergencies.

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Health care is a perennial favorite. "Voters' Anger at HMOs as Hot Political Issue," reads a typical headline in *The New York Times*. Politicians at both the state and national levels rush to address the presumed crisis with gobs of legislation. But it's an empty ritual, left over from an earlier time. It serves no real need.

Pollster Everett Ladd, writing in *IntellectualCapital.com*, points out the inconvenient truth: The number of Americans who see health care as "the most important problem facing this country today" is in single digits, with the public about evenly split on whether any new regulation is justified. And depending on how the question is worded, either a plurality or a majority prefers regulation by an independent nonprofit organization to government oversight. "Americans are not content with the health-care status quo," writes Ladd, "but they are not angry either, and they are not seeking a significantly expanded federal regulatory role." No crisis there, just normal discontent.

HMOs are not an isolated example. Again and again, in "this bland yuppified era," issues get headlines but don't draw public attention or support. Americans are not clamoring for V-chips. They do not think Bill Clinton should be impeached. They're tired of term limits. They aren't afraid of the greenhouse effect. They don't believe the "year 2000" problem will crash every computer in the country. They have even stopped worrying so much about crime and drugs. And while nobody much likes the tobacco companies, there is nothing more boring to the general public (except possibly campaign-finance reform) than the constant nattering about smoking.

In post-crisis America, politics has not, of course, disappeared. Nor should it. But it has changed. And those who care about the proper relationship between government and society must change with it. Unless they want to be thought hysterical maniacs by a public tired of phony crises, they must learn a different, more honest, and more satisfying way of talking about issues. (None of this precludes using the rhetoric of crisis and emergency response in a genuine emergency—if, to take the summer's favorite movie scenario, a large heavenly body is about to hit the earth, or if the Chinese seriously threaten to nuke Los Angeles.)

In its public, high-profile form, post-crisis political activity has two main functions: cleaning up chronic problems and helping shape interpretive worldviews. When there are no immediate dangers, addressing long-term problems becomes more feasible. It's possible to invest the time necessary to draw public attention to such nagging issues as out-of-control entitlements or a deranged tax code. (For a discussion of Social Security reform, for instance, see page 56.)

In dealing with chronic problems—which, by definition, are not momentary "crises"—how you understand the world matters a lot. Consider the terrible state of the public schools, the chronic problem that looms largest in the public imagination. If you believe that educational quality is simply a matter of will and thus something that can be decreed, you will look for a central education czar and charge him with establishing standards. If you think quality is something that can easily be bought, you will simply spend more money. But if you believe that competition, experiment, and feedback lead to improving quality, and that diversity can be both a source of important innovations and a good in and of itself, you will look for ways to increase those factors.

The spread of this dynamic understanding of progress has, in fact, changed education policy. So it is that Silicon Valley entrepreneurs recently used the threat of a well-funded initiative campaign to get the legislature and governor to open California's educational marketplace to many more charter schools—a sharp contrast to the more-money-plus-harder-tests approach usually favored by business lobbyists, including many technology enthusiasts. Elsewhere in the country, philanthropists are injecting competition into moribund school systems through direct action, by funding scholarships that allow kids in the worst schools to opt for private alternatives. And many school reformers now advocate testing mostly as a source of valuable feedback for parents and communities, rather than a good in and of itself. For such feedback to work, however, choice, competition, and innovation must also be possible—which implies a whole

different approach to founding, funding, and running schools.

Crises, real or imagined, are useful political tools. By making political change an imperative, they help break what Milton and Rose Friedman have called the "tyranny of the status quo." But relying on crises to drive change simply won't work any more. The public no longer believes the rhetoric of crisis and emergency response, at least not in times of peace and prosperity. A different sort of persuasion is necessary.

Politics is no longer like swatting a mosquito—see a problem and whack it down; it is gradually becoming more like tending a garden, which grows mostly on its own. So how we understand those "natural" social processes matters a lot. Political action in a post-crisis age, then, demands not only that we address chronic problems but that we explore and analyze, champion and explain a broader worldview. And it requires a different sort of political person, one less caught up in the drama of emergencies, more satisfied with enabling the wonders of everyday life.

After a century of crisis-and-response politics, such people may be hard to imagine. But so is a general public that will continue to fall for overhyped crises. The politics of emergency has run its course.

The Summer of Reform

Campaign finance laws return to the congressional agenda

By Michael W. Lynch

Campaign finance reform is back. Declared dead in the Senate after its supporters failed to overcome a filibuster in late February, the issue was thought to have suffered a similar fate in the House when a March reform bill failed to pass.

But the rank and file rebelled against the House leadership, and the issue is back on the agenda. Chastened by its own members for restricting debate on earlier proposals, the House leadership lurched to the other extreme and opened the door to a debate that may last all summer.

Congress began debate with a freshman-backed bill. Eleven substitute amendments to completely replace this bill were cleared for debate, and roughly 600 amendments to these amendments were to follow suit. While there are many ideas in circulation, the one preferred by reform enthusiasts is embodied in bills sponsored by Sens. John McCain (R-Ariz.) and Russell Feingold (D-Wis.) and Reps. Christopher Shays (R-Conn.) and Martin Meehan (D-Mass.). These bills would severely restrict the ability of political parties to raise and spend "soft" money, which is not subject to federal contribution limits. National political parties use soft money for "party building" efforts, such as public opinion polling and voter registration drives. Soft money is also frequently transferred to state parties and advocacy groups, which spend it on state and local elections.

In addition, these proposals seek to regulate independent issue advocacy ads, which, under the U.S. Supreme Court's 1976 *Buckley v. Valeo* decision, fall entirely outside the purview of federal regulation as long as they avoid such magic words as "vote for" or "vote against" a candidate. (See "Gagging on Political Reform," October 1996.) The proposals would empower bureaucrats to decide if ads are intended to influence electoral outcomes.

For their part, Republicans are still pushing "paycheck protection," which would force unions to get annual permission from their members to use any dues money for political activity. A June initiative to bring paycheck protection to California failed by a 53.5 percent to 46.5 percent margin and led to a large union turnout. (According to exit polls, however, a third of union-member voters cast their ballots for the measure.)

Before federal legislators embrace any of these proposals, they ought to see how some of their most cherished ideas are playing out in the states.

As documented in a *Wall Street Journal* editorial last August 5 and a month later by Jonathan Rauch in *The New Republic*, Congress need look no further than Feingold's home state to see what happens when bureaucrats become political speech police. Wisconsin has long been a "good government" state that prohibits unions and corporations from participating in electoral politics. In 1996, independent issue advocacy hit the state full force, with Wisconsin Manufacturers and Commerce, Americans for Limited Terms, and the Sierra Club all running ads on their pet issues.

Days before the election, first-time candidates, incumbents, and citizen activists

HENRY PAYNE

went crying to the Wisconsin Election Board (WEB), which regulates the state's campaigns. Regulators took the groups to court, where judges ordered the ads off the air while the WEB looked into the whether they constituted "express advocacy," even though none of the ads used commonly accepted trigger phrases. Ultimately, the board found that the ads constituted express advocacy since, as WEB attorney George Dunst told the House Judiciary Subcommittee on the Constitution in September, even without the magic words, the Board felt "the message of 'elect or defeat' had been intended and conveyed."

This episode should disabuse anyone of the notion that such rules will be enforced without the taint of politics. When it came time for the election board to administer discipline, it fined Americans for Limited Terms and Wisconsin Manufacturers and Commerce, but not the Sierra Club.

Nor is paycheck protection a worthy reform. Washington state took the paycheck protection path in 1992, when Republicans worked to pass a comprehensive campaign finance reform initiative, I-134. In exchange for agreeing to contribution and spending limits and disclosure requirements, conservatives were given a four paragraph section that required unions to get annual permission from their members for political action committee contributions. "I-134 was sold to Republicans solely on the basis that it would curtail [union] spending," recalls Brett Bader, a longtime Washington state Republican campaign consultant.

Republicans bought a lemon. It didn't take long before paycheck protection was undone, first in practice and then in law. Even with the restrictions in place, union PAC money grew each election cycle—from $3.3 million in 1992 to $3.4 million in 1994 to $4 million in 1996—indicating that either union members love to underwrite left-wing politics or the law was erratically enforced. And when it appeared that one union, the Washington Education Association, had violated the law, the rules were simply changed.

What happened was that in the 1994 election cycle, the WEA found itself short on political cash; only 11,000 of its 65,000 members had volunteered to pay for its political activities. Not wanting to sit an election out, the WEA just spent money from mandatory dues on its political activity. It got caught and had to pay $100,000 in fines and legal fees.

Even so, the union faces a bright and well-funded political future. In guidelines that emerged from the state's settlement with the WEA, Secretary of State Christine Gregoire determined that a union's "general treasury funds may be expended as contributions to candidates and political committees."

Left standing, however, are all of the law's contribution limits and disclosure requirements that turn elections into games of bureaucratic gotcha. The initiative, says Bader, "has created a highly regulated environment that is used by political opponents to get candidates."

The crusade to rid politics of money is the modern equivalent of the quest for the Holy Grail. So long as government taxes and spends nearly two out of every five dollars Americans earn and touches virtually every aspect of American life *from* toilet size to software policy, people will spend whatever they can to make their voices heard. Checking the ambitions of government is chief among the reasons why we have the First Amendment. Once bureaucrats are allowed to decide which speech is designed to influence an electoral outcome and which is merely for educational purposes, it won't take long to slip to the bottom of the slope, where only those efforts supporting the favored ideas of the day are deemed educational.

Many in Congress, including the House and Senate leadership, understand this. Says Sen. Mitch McConnell (R-Ky.), who has led opposition to new restrictions: "Democracy is sort of a messy thing. The speech police don't get to control how everybody participates in our elections. It may frustrate us, but that's the price we pay for a healthy democracy." ◆

Truth Squad

The coercive agenda behind the "civil society" movement.

By Nick Gillespie

The looming dual finales to the century and the millennium have so far inspired surprisingly little millenarian rhetoric, the end-is-nearism that has traditionally punctuated such moments with all sorts of strange predictions and behaviors. In times past, the close of a century, even more so of a millennium, typically generated fevered treatises on the certainty of a coming catastrophe and inspired large numbers of people to prepare maniacally for the destruction of the world, the second coming of Christ, or some combination of both.

In our times, by contrast, such anxieties have given rise to a spate of generally even-handed "Year 2000 Problem" magazine articles, action films such as *Deep Impact* and *Armageddon*, and gradually increasing air time for the early '80s Prince song "1999." Distressing perhaps, but hardly cataclysmic. For most of us January 1, 2000—or, for purists, January 1, 2001—seems to portend only another long weekend.

In this context, *A Call to Civil Society: Why Democracy Needs Moral Truths*, a 30-page "report" recently issued by the "the Council on Civil Society," represents a return to tradition. The council is a politically diverse group of two dozen "nationally distinguished scholars and leaders" that includes Institute for American Values President David Blankenhorn, Sen. Dan Coats (R-Ind.), Princeton's John J. DiIulio, the University of Chicago's Jean Bethke Elshtain, National Parenting Association President Sylvia Ann Hewlett, Sen. Joseph Leiberman (D-Conn.), Harvard's Cornel West, and UCLA's James Q. Wilson—a veritable slugger's row of high-profile and influential public figures.

Their "call" for a renewal of familiar cultural institutions is spoken in the apocalyptic rhetoric long associated with century's end. The booklet also offers revelation (the other meaning of *apocalyptic*), showing how even the most seemingly innocuous arguments for "civic participation" often seek to limit and regulate alternative social arrangements in the name of

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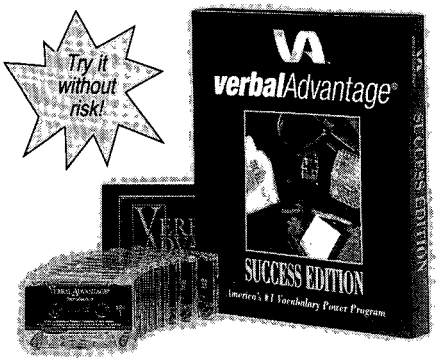

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a vague common good.

Though the authors grant in passing that "there is much good news" in America today, to them the immediate future looks darker than midnight: "Let us be honest," they intone. "In what direction are we tending?...[O]ur democracy is growing weaker because we are using up, but not replenishing, the civic and moral resources that make our democracy possible." As our country becomes an "increasingly fragmented and polarized society,"they argue, "our social morality deteriorates, [and] life becomes harsher and less civil for everyone."

The proof is everywhere around us, say the authors: "Neighbors not being neighborly. Children disrespecting adults. Declining loyalty between employers and employees. The absence of common courtesy, such as indifference from retail clerks, or being treated like a number by impersonal bureaucracies. Drivers who menace and gesture at other drivers."

The authors' solution to such incipient, if perennial, barbarism revolves around the hottest concept in today's public policy world: the revitalization of "civil society." Defined in the document as "relationships and institutions that are neither created nor controlled by the state," civil society includes "families, neighborhood life, and the web of religious, economic, educational, and civic associations [that] foster competence and character in individuals, build social trust, and help children become good people and good citizens." Sensibly recognizing the limits of top-down, centralized governmental regulation, the authors claim instead to favor "decentralized structures of authority and a rich diversity of approaches."

Not surprising for a consciously transpartisan document—the very first line boasts, "We come together as citizens of diverse beliefs and differing political affiliations"—the authors' "recommendations" largely consist of banal truisms gussied up in pretentious and often comically tentative language. They "call upon" parents to spend more time with their children; they "urge religious institutions to...oppose the trends that would push religion to the fringes of American public life"; they hope that youth sports leagues "will...deepen...their commitment to the ideals of sportsmanship, fair play, and respect for others"; they urge employers to recognize that "companies that do best are often those that do *not* treat their workers like replaceable commodities"; they "hope" that their "fellow citizens will consider supporting National TV-Turnoff Week."

Some of the authors' more potentially controversial proposals—for instance, they "urge government at all levels to expand the ability of parents to choose the schools their children attend"—are laid out in grandly abstract terms, lacking the details that might actually provoke meaningful dialogue and debate.

More interestingly, for all their talk of a "rich diversity of approaches," "voluntary associations," and "openness to other views," the authors are quick to suggest rules that would tip things toward their own vision of the good society. Hence, they advocate that the federal government recognize the "married-couple household" as a "basic unit of taxation" and give tax credits to parents who put off education to raise "young" children; they support making divorce tougher and counseling "requirements" for those about to get married and those in troubled marriages; they outline a $500 tax credit for individual contributions to charitable organizations whose primary purpose is the alleviation of poverty; and they hint strongly that, absent "voluntary" regulation, "public officials" should oversee television programming content.

There is, of course, little remarkable in such a wish list—indeed, as far as these things go, the council's proposals are relatively minimalistic, even as they slide easily from moral suasion into state-sanctioned coercion. But what finally raises *A Call To Civil Society* from the blandly self-important to the fundamentally disturbing is its conclusion that "civic participation...is a ultimately a means, not an end in itself." The authors write, "[E]ffective civic engagement requires a public moral philosophy. Absent a guiding set of shared moral truths, voluntary civic associations can be just as harmful to human flourishing as any big government bureaucracy or big business bureaucracy."

In the name of "decentralized authority" and "rich diversity," in other words, the report's authors deny the messiness, confrontation, and deep-seated disagreements endemic to a social order predicated upon life, liberty, and the pursuit of happiness. By defining civic participation as a means to a predetermined end—"We hope that all of us...might strive to understand morality less as a question of individual taste and more as a question of what is true"—the authors elide precisely the true decentralization of authority and the diversity of approaches that a flourishing civil society should cultivate. In their world, truth is apparently obvious, perhaps a matter of one-time revelation; there is certainly no tolerance for the idea of pursuing truth through any sort of ongoing process of competition and criticism.

It takes no particular courage or insight to suggest that parents try to do a good job of raising their children, or that youth sports leagues "re-examine" their attitudes toward sportsmanship, or to pooh-pooh "materialism" without defining the term. But what about the disagreements that loom beyond such obvious and minimal points of consensus?

The "question of what is true" is not part of a short-answer, easily scored test; it underlies the different ways in which people choose and struggle to define themselves and to live their lives. More important, by what right and to what extent should one group be able to impose its definition of "truth" on the rest of society?

What does it really mean, for instance, to be a "good" parent? Can, say, Christian Scientists be good parents if they refuse their children certain medical attention? Is such a religious belief a matter of "individual taste" or revealed truth? What about individuals and groups who invoke the great American maxim, "Leave us alone!", which was forcefully articulated by such 19th-century believers in "civil society" as Henry David Thoreau, Frederick Douglass, and Elizabeth Cady Stanton? Do such characters represent the quintessence of civil society, or are they its greatest foes?

If *A Call to Civil Society* represents what the "civil society" movement is ultimately about, it has little to say to individuals and groups that are already going about the task of building meaningful lives. Indeed, to the extent that it substitutes foregone —if unspoken—conclusions for robust debate, it actually undermines dialogue where it is needed most.

In Memoriam: Barry Goldwater

Barry Goldwater was 20th-century America's first libertarian politician.

Had it not been for him, the magazine you are reading—and its parent organization—might not exist. I read Goldwater's book, *The Conscience of a Conservative*, in high school, just as I was becoming politically aware. Its powerful message of individual liberty, economic freedom, and anti-communism struck a chord with me, launching an intellectual journey that went on to Ayn Rand, Milton Friedman, Ludwig von Mises, F. A. Hayek, and many others. Ultimately, this process generated the idea that I would make a career out of defending rationality and liberty.

Over the years I have returned again and again to these lines in Goldwater's book, in which he set forth the credo of a new breed of politician, dedicated to reclaiming liberty: "I have little interest in streamlining government or in making it more efficient, for I mean to reduce its size. I do not undertake to promote welfare, for I propose to extend freedom. My aim is not to pass laws, but to repeal them. It is not to inaugurate new programs, but to cancel old ones that do violence to the Constitution, or that have failed in their purpose, or that impose on the people an unwarranted financial burden. I will not attempt to discover whether legislation is 'needed' before I have first determined whether it is constitutionally permissible. And if I should later be attacked for neglecting my constituents' 'interests,' I shall reply that I was informed their main interest is liberty and that in that cause, I am doing the very best I can."

To budding libertarian and conservative activists of the early '60s, these words were electrifying. Thousands of us got our first political experience going door to door, staffing literature tables, and even serving as poll watchers in Goldwater's 1964 presidential campaign. Many of us knew he would lose that battle, but we saw it as but the first engagement of a long war. And though he chose not to run for president again, by inspiring Ronald Reagan to run, Goldwater achieved something of a belated victory in 1980.

What Goldwater did was to make it acceptable to question the legitimacy of an all-powerful national government. Though widely denounced as extremist in 1964, his ideas had become almost mainstream by the time of Reagan's election. A proliferation of conservative and libertarian think tanks arose in Goldwater's wake, including the Reason Foundation, to lay the basis for shrinking big government by perfecting the critiques of the status quo and working out the details of decentralist, market-based alternatives. Although our government has in many respects grown larger over the past three decades, its legitimacy as the universal problem solver has been undermined, and its power in many specific areas (economic regulation, marginal tax rates, regulation of lifestyle choices) has been reduced.

Despite the near-universal praise following his death, during his life Goldwater was attacked unfairly by both the left and the right. The left caricatured him as a warmonger for his assertive stance against the Soviet empire—most egregiously in Lyndon Johnson's famous TV commercial of the little girl blown away by a nuclear blast. Yet how radically extremist—in hindsight—are these concluding words from *Conscience of a Conservative*?

"Either the Communists will retain the offensive; will lay down one challenge after another; will invite us in local crisis after local crisis to choose between all-out war and limited retreat [not bad as a forecast of the Jimmy Carter years]....Or we will summon the will and the means for taking the initiative, and wage a war of attrition against them—and hope, thereby, to bring about the internal disintegration of the Communist empire [more or less the Reagan Doctrine]." It doesn't sound so radical after the fact, but in the '60s that sort of tough-minded policy prescription was beyond the pale in polite society.

The other attacks on Goldwater have come mostly from the religious right during the past decade or so. Responding to his pro-choice views on abortion and homosexuality, and his concern about mixing religion and politics, a gaggle of right-wingers variously charged that Goldwater had lost his way, either to senility or to the manipulations of his second wife, whom he married in 1991, six years after the death of Peggy Goldwater. Those charges are mendacious. Barry Goldwater was always an individualist first. The son of a Jewish father and an Episcopalian mother, he deeply understood the importance of the separation of church and state—and the divisiveness of attempts to make laws that would impose some people's religious beliefs on others. He and Peggy were early and longtime supporters of Planned Parenthood. And he began criticizing the Moral Majority on the Senate floor soon after its rise to prominence in 1981.

Barry Goldwater was an American original. He was not an intellectual; his libertarian individualism stemmed from the commonsense values of ordinary Americans: Work hard, take responsibility for your life, honor your commitments—and mind your own business. If only we had politicians like him today.

—**Robert W. Poole Jr.**

REASON NEWS

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■ This is a double issue, as REASON goes on hiatus for a month. The next issue you receive will be dated October.

Corporate Responsibility

Among other strange things, Nick Gillespie ("Rebel Rousers," May) writes that Bill Bennett's criticism of companies like Time Warner and Seagram is "rooted" in an "embrace of top down authority as the ultimate, rightful source of value and structure in society." Huh? Too much Hayek, perhaps. Bill Bennett is not making a complicated (or fascist) point. It's very simple, in fact: Influential people should act responsibly and decently. Which raises a more interesting issue than the one Gillespie fumbles. What do libertarians make of those two words: *responsibility* and *decency*?

Jason Bertsch
Empower America
Washington, DC

Nick Gillespie replies: Jason Bertsch, who works for the Washington, D.C., think-tank-cum-"grassroots"-political-group co-founded by Bill Bennett, is at least partly right: The former drug czar and education secretary is not given to making complicated points, particularly when it comes to popular culture. Which was part of my critique of left-wing and right-wing cultural critics. Using author Thomas Frank as an example of the former and Bennett as an example of the latter, I noted that both focused exclusively on *producers* of cultural messages while ignoring *consumers* of such messages. The result, I suggested, is "impoverished analysis" that fails to do justice to how such messages circulate throughout society and what their actual meanings may be. Hence, Bennett's continuing use of an unpopular song by the unpopular band Cannibal Corpse as a leading indicator of cultural ruin.

Although I hesitate to speak for a group as diverse, contentious, and individualistic as "libertarians," I suspect that most of them would agree with the bland injunction that people, whether they are "influential" or members of the mass that makes popular culture popular, "should act responsibly and decently"—at any rate, I know I do.

The real issue, of course, is how such terms get defined. Unlike Bennett, I find nothing particularly objectionable in Burger King's Thoreauvian suggestion that "sometimes you gotta break the rules," or in Time Warner's continued interest in hawking popular music. Indeed, to the extent that such companies are attempting to serve customers, one might conclude that they are acting both responsibly and decently.

Generous Nature?

As a law review editor (many, many years ago) I had the privilege of editing an article by Tibor Machan. I've been a fan and reader of his work ever since. So I'm surprised that neither he nor Loren Lomasky ("Generous to a Fault?," May) addressed the most obvious explanation for people's decisions to be generous and help others: What goes around comes around. People who generously help others may actually be motivated by the notion of the "magnificent obsession"; what they do for you this time will somehow be done for them by someone else at some other time.

At its heart, this idea is in fact the basis for the Golden Rule. If everyone is decent and kind (and generous) to others, even to strangers, then in the grand scheme of things this decency and generosity will be passed around among us all.

People are led to be generous, at least in part, because they hope (and believe) that in some way this will lead to others being generous to them. Their own self-interest, manifested in their perhaps unconscious belief in the magnificent obsession, motivates them to extend a hand to others—even when there is no obvious or immediate reciprocation.

Paul Bent
pbent@aol.com

In Loren Lomasky's review of Tibor Machan's book *Generosity: Virtue in Civil Society*, we once again encounter the implacable conviction that ethical egoism is incompatible with various forms of benevolence—specifically, in this case, with expressions of generosity.

It appears to be a widely held notion that, to the extent someone pursues his own interests, he must thereby be opposing the interests of someone else; or, at least, that while acting selfishly, he is necessarily unconcerned with the interests of others. Indeed, virtually all of the arguments against egoism include a belief that the basic conditions of human existence inevitably entail conflicts of interests among men, and that constructive social interaction therefore requires, at least occasionally, that individuals act against or beyond the scope of their own interests.

This idea is even implicit in some formulations of individual rights, such as the statement that one's rights end where another's begin, or that one's rights are limited by a duty to respect the rights of

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others. Such expressions presuppose that one might somehow have a valid interest in violating the rights of others, and that the rights of others are principles intended primarily to restrain the pursuit of such conflicting interests.

Yet there are really no conflicts of interest among rational men. A person fully committed to reason can live a completely selfish life, fully confident that his interests will never conflict with those of another rational person. Most people might find the suggestion of a completely selfish life abhorrent. The conventional view is that some degree of self-sacrifice is inherent in virtually every act of benevolence. To the extent that one is sociable, he is thereby presumed to be self-sacrificing or, at least, indifferent to his own interests.

In the limited space allowed here, it would be futile to attempt a sufficiently comprehensive refutation of the alleged dichotomy between selfishness and generosity, or between selfishness and other expressions of benevolence. The briefest and most cogent argument I can recommend is Ayn Rand's 1962 essay, "The Conflicts of Men's Interests," in her book *The Virtue of Selfishness.* The key question is what really constitutes one's *rational* interests.

Joseph Curran
Daly City, CA

Loren Lomasky replies: Paul Bent is surprised that neither Tibor Machan nor I thought to explain generous behavior as motivated by a perception that what goes around comes around. We had our reasons.

First, what goes around does not always come around; all too often it swings back wildly and hits you in the face. On this count the Book of Job and *The Simpsons*' Mr. Burns are instructive. Second, although a society in which most people are both providers and recipients of generosity is much to be desired, only occasionally is generous treatment received as a return on generosity supplied. So, third, someone whose interest is mostly or entirely in what comes around will be more apt to free ride on others' generosity than to supply his own. Fourth, scratching others' backs in order to secure relief from one's own itch is honorable and prudent, but it is not generosity.

So why, then, do people act generously? I remain content with the hypothesis offered in the review: One acts to ameliorate others' distress for their sake, not one's own. Toward this end generous individuals are willing to bear some small (or, occasionally, substantial) sacrifice of their own interests to advance the well-being of others.

Joseph Curran finds this unintelligible because, he says, the interests of rational persons don't conflict. Based on extended research at the poker table, I judge this claim to be false. Curran might respond that I have failed to grasp the sense in which he uses *rational* and *interests.* Perhaps; his letter is long on pronouncement and short on explication. Not that it matters much in this context: Ordinary people's generosity is to be understood by reference to what *they* themselves take their interests and reasons for actions to be, not what Mr. Curran or Ms. Rand declares that these should be.

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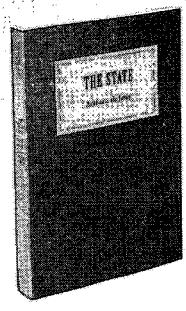

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Anthony de Jasay is the author also of *Social Contract, Free Ride* (1989) and *Against Politics* (1997).

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Heavy News

Letters directed at Jacob Sullum's review of my book *The Fat of the Land* (Letters, May) are really directed at my own research, and I gladly respond.

Brian Carnell scores me for criticizing the EPA report concluding that passive smoking is a carcinogen based on a mere 19 percent increase in deaths, then turning right around and accepting "American Cancer Society claims that men 19 percent overweight have a 15 percent increased likelihood of death." He doesn't tell readers that the ACS study also found that the fatter you are, the higher the likelihood of death. By the time members of the ACS cohort were 40 to 49 percent overweight, their increased chance of death was 87 percent for both men and women.

Further, the larger the sample size, the greater the relevance of any increase in death or illness. The EPA report looked at a combination of 11 studies that between them had a mere 734 subjects. The number of people in the ACS study and every obesity study I relied upon dwarfs the size of the EPA study. They also all use the considerably tighter 95 percent confidence interval (meaning there's a 95 percent chance the conclusion didn't come about by chance), not the 90 percent confidence interval the EPA used to make its results for any of the 11 reports or all 11 together statistically significant.

For example, the study by Dr. June Stevens and others in the January 1, 1998, *New England Journal of Medicine* observed over 320,000 men and women. It found, "Excess body weight increases the risk of death from any cause and from cardiovascular disease in adults between 30 and 74 years of age." Longest life was associated with the leanest bodies, specifically those with body mass index (BMI) between 19 and 22. Yet the average American has a BMI over 25. "I'm sorry to tell you," Stevens told one reporter, "it's the very lean weight that is associated with the best survival rate."

The second largest obesity report, from the ongoing Nurses' Health Study, looked at 115,000 women and found that a mere 30 to 40 extra pounds on a five-foot, five-inch woman more than doubled her chance of death over a 16-year period. Only 15 to 20 extra pounds greatly increased the risk of adult-onset diabetes, hypertension, and heart disease.

The male counterpart to the Nurses' Health Study, the Harvard Alumni Study, with 20,000 subjects, has so far found that men in the thinnest fifth of the group had a 60 percent lower chance of dying of a heart attack than those in the heaviest fifth. Other huge studies, such as the famous Framingham Heart Study and numerous ones from the Netherlands, Sweden, Norway, and other nations have produced similar findings. Observations by insurance actuaries dating back to the 19th century have shown a strong association between fatter bodies and shorter lives. Modern epidemiological studies have merely quantified these risks.

Evidence continues to come in that thinner is better. A study released January 14 of 170,000 Swedish women found that the heavier the woman, the more likely she was to miscarry. Among women who had not yet had children, "the risk of late fetal death was roughly doubled among women of average weight [BMI 20-24.9], as compared with lean women [BMI less than 20], tripled among those were overweight [BMI 25-29.9], and quadrupled among those who were obese [BMI 30 and above.]"

The idea that 300,000 premature deaths a year are caused by being overweight was explained in detail in a letter from Dr. JoAnn Manson, one of the nation's premier obesity experts, to the *New England Journal of Medicine*. It's also accepted by Surgeon General David Satcher, Harvard School of Public Health Chairman Walter Willett, and the obesity research field in general. But Carnell ignores this, instead offering the opinions of *NEJM* Editor Marcia Angell and Steve Milloy, publisher of the "Junk Science Web Page." Neither has ever published an article, study, or book on obesity. That Carnell can do no better than rely on two editorials by nonspecialists in the field speaks volumes.

Jacob Sullum correctly replied to David Moshinsky's letter that studies show the thinnest persons die younger only because, as Framingham Heart Study director William Castelli told me, "The lowest-weight group keeps getting contaminated by people who lose weight because they have a chronic illness, usually cancer." I have also pointed this out directly to Moshinsky in a letters exchange in *The American Spectator*. He just doesn't care.

Finally, Thomas Cunningham is right that (my words now, not his), "Rubenesque" women are called "Rubenesque" precisely because they were the obsession of a single painter, and not representative of male preferences as a whole during his time. While fatter women have been more in vogue in other eras, studies have shown that men universally favor women with hourglass shapes, probably because they are genetically inclined to choose women who are more fertile and more likely to bear healthy children, and that means choosing a Coke bottle over a whiskey jug.

Yet I advocate a thinner America for health reasons, not aesthetic ones. Let Moshinsky fret about food police and Richard Klein talk lovingly of the allure of female adiposity, but obesity kills, cripples, and makes life less enjoyable. People have a right to choose this condition, just as they have every right to smoke a carton of Camels a day. But they also have the right to know the truth.

Michael Fumento
Washington, DC

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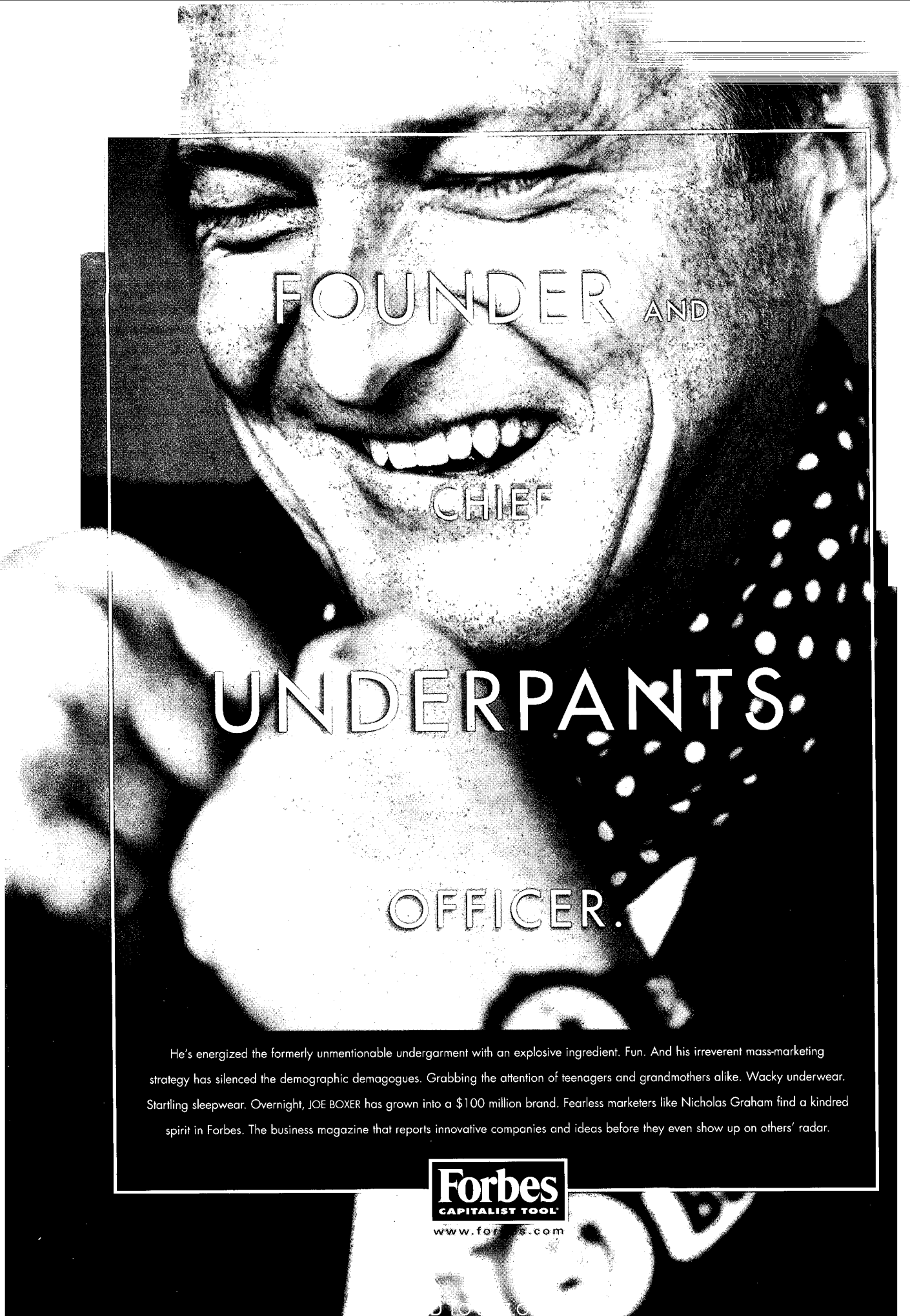

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ELECTR PROD N PE

Crossed Wires

By James V. DeLong

The Schools and Libraries Corporation, which runs the new program requiring telecommunications customers to toss $2.25 billion annually into a pot to subsidize school and library access to the Internet, is off to a roaring start. (See "Computer Games," November 1997.) It has already gathered 30,759 applications seeking more than $2 billion this year.

But basic flaws in the program are already showing up. In May, AT&T announced it would assess its long-distance customers a 5 percent surcharge to cover the costs of the subsidies, thoroughly riling the Federal Communications Commission. MCI followed suit with its own fee.

The FCC has morphed the subsidy so that it covers hardware, not just services, by agreeing to pay for equipment needed for "internal connections." The program also subsidizes all telephone services, not just Internet connections. As a result, only $88 million of the $2.02 billion requested would go for Internet access; $656 million is for conventional telephony, and a whopping $1.3 billion would cover those internal connections.

Even the FCC's generous interpretations have not satiated the program's clientele, though. Five U.S. senators, led by Commerce Committee Chairman John McCain (R-Ariz.) and his committee's lead Democrat, Ernest Hollings of South Carolina, complained to the commission about reports that schools are forcing bidders for subsidized services to toss in "no-cost" items as part of their bids before they'll even be considered. The freebies include teacher training, 31-inch monitors, cable services, and carpeting.

The FCC's response, in essence, has been, "Don't worry, be happy." The commission says it is reminding applicants that they are legally obligated not to consider such extraneous matters as no-cost items in their bids, and that any such fraudulent submissions are subject to severe civil and criminal sanctions.

Lawmakers—as well as schools and libraries—shouldn't be surprised. The 1996 telecommunications act, which established the Schools and Libraries Corporation, didn't make clear which services would be eligible for subsidies. And once the feds start handing out goodies, disputes about the meaning of regulatory language or the principles of cost accounting automatically become matters of criminal law. The telecommunications revolution is often accused of accelerating the pace of modern life. The schools and libraries program certainly reinforces this notion: The arc from initial hype to fodder for prosecutors is short indeed.

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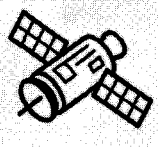
Balance Sheet

By Rick Henderson

ASSETS

▲ **Clear Language.** California's Proposition 227, the "English for the Children" initiative, passes with nearly 61 percent of the vote. (See *"Loco, Completamente Loco,"* January.) The initiative, which will end most of the Golden State's bilingual education programs, gets one of the largest victory margins of any contested referendum since Proposition 13 passed 20 years ago.

▲ **Moon Shot.** Hughes Global Services Inc. completes the first commercial flight to the moon. The HGS-1 satellite circles the moon twice before settling in a geosynchronous orbit, where it will provide communications services for government agencies and private customers.



▲ **Choice Chances.** For the first time, a state supreme court lets low-income students use tax-funded vouchers at private religious schools, as Wisconsin's high court upholds the Milwaukee program. And through the CEO America Foundation, financier Ted Forstmann and retailer John Walton (of Wal-Mart fame) commit $100 million to underwrite scholarships for impoverished kids. Their antes will be matched by donors nationwide.

▲ **Speed Dial.** The cost of joining the information revolution plummets. Sprint's Integrated On-Demand Network will provide voice, fax, video, and high-speed Internet transmissions over one line. The network, available to residential customers late next year, will reduce the cost of long-distance calls by 70 percent and deliver Internet connections at 100 times the speed of a typical modem. ION also includes local service, which could obliterate local telephone monopolies.

Dangerous Books

By Jacob Sullum

Specializing in macho, cloak-and-dagger titles like *Kill or Be Killed, Build Your Own AR-15,* and *The Layman's Guide to Electronic Eavesdropping,* Paladin Press thrives on controversy. But even for Paladin, the week of April 19 was unusual, with legal trouble associated with two of its books making news on both sides of the Atlantic.

In the United States, the Supreme Court declined to hear a challenge to a decision by the U.S. Court of Appeals for the 4th Circuit that said Paladin could be sued for aiding and abetting a triple homicide by publishing *Hit Man: A Technical Manual for Independent Contractors.* A hired killer who bought *Hit Man* in 1992 murdered three people a year later, following instructions from the book.

In England, Phillip Luty, author of *Expedient Homemade Firearms: The 9MM Submachine Gun,* was sen-

▼ **Civic Removal.** First sex shops. Then taxis. Now hot dog vendors. New York Mayor Rudolph Giuliani's quest to disinfect the Big Apple targets food and clothing vendors who sell their wares on the city's streets. If Giuliani succeeds, he may move these entry-level entrepreneurs off the streets and into welfare lines.

▼ **Running Scared.** Trying to protect their phony-baloney jobs, Republicans cast aside any remaining limited-government inclinations. Before the November election we'll see GOP-led votes to restrict political speech (a.k.a campaign reform), private contracts (HMO regulations), freedom of conscience (the school prayer amendment), and other calls for mobocracy.

▼ **No Satisfaction.** Onetime London School of Economics student Mick Jagger demonstrates his understanding of supply-side economics. The Rolling Stones cancel the four British concerts on their world tour after the Labor government repeals a 20-year-old tax break for part-time residents who earn money outside the U.K. Jagger says the Stones would have had to pay $20 million in taxes if they played a single show on British soil.

▼ **Excessive Success.** The Clinton administration's war on commerce proceeds with the Federal Trade Commission's bizarre antitrust suit against computer chip giant Intel. Message from the White House to America's entrepreneurs: If you deliver goods and services effectively to consumers, we'll see you in court.

LIABILITIES

tenced to four years in prison for carrying out the instructions in his own book. *The Yorkshire Post* reports that Luty, after making a submachine gun using readily available materials and tools, asked a photographer to take pictures of it for his book. The photographer turned him in.

Although he acknowledged that Luty did not plan to use the gun against anyone, the sentencing judge said, "The message must go to everyone that making weapons like this in this country is unlawful and will be severely punished." Noting that Luty's book and other Paladin titles can be ordered through the publisher's Web site (www.paladin-press.com), a spokesman for the Association of Chief Police Officers told the *Post*: "We feel particularly strongly that the Internet is especially vulnerable to criminal abuse, and this is the kind of information we don't want available."

School Buy Out

By Lisa Snell

In what amounts to a private universal voucher system, the Children's Educational Opportunity (CEO) Foundation of San Antonio announced that it will provide at least $50 million over the next 10 years to give school vouchers to any interested low-income student in San Antonio's mostly Hispanic, 14,000-student Edgewood Independent School District. Families can use vouchers ranging from $2,000 to $4,000 at private and parochial schools within the district, or at public or private schools in other districts.

The program is the first in the nation to offer vouchers to all low-income students in a district, and 93 percent of Edgewood students are eligible. Program sponsors chose Edgewood because it was large enough to offer a meaningful experiment but small enough that they could include every student.

The week the program was announced, CEO's office received 400 inquiries and 170 student applications. The foundation estimates it will send 2,000 Edgewood children to private schools this fall.

Edgewood school district officials express concern over the prospect of hundreds of students leaving the public school system and say the voucher program places the very concept of public education "at risk." State Sen. Gregory Luna (D-San Antonio) called the program "another ruse to destroy public schools," and said it "declares war on public education."

He's right. School officials estimate that losing 200 students would cost the district more than $1 million. Fritz Steiger, president of CEO America Foundation, argues ▶

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QUOTES

"The entrepreneurial vision has taken our country a long way, but it's done so on the back of a lot of people who've gotten stiffed in the end. So at some point—and we may be reaching that point—that vision may have run its course....[I]s the new economy going to produce enough jobs for the people who need work out there?"
—Rock star Bruce Springsteen in the May 28 *Rolling Stone*. The official unemployment rate at that time was 4.3 percent, a 28-year low.

"It's too bad [Yale researcher and fat-tax advocate Kelly] Brownell isn't more popular. If you accept that America is entering a Puritan phase, then regulating fat can actually be a less intrusive policy than regulating tobacco."
—*New Republic* Assistant Editor Hanna Rosin, in a May 18 story favoring a tax on fatty foods

"We're prepared to fill the store with violence and horror to make it legal."
—Richard Kunis, owner of Manhattan Video, in a June 4 *New York Times* article, explaining how he intends to comply with the city's new restrictions on "sex shops"

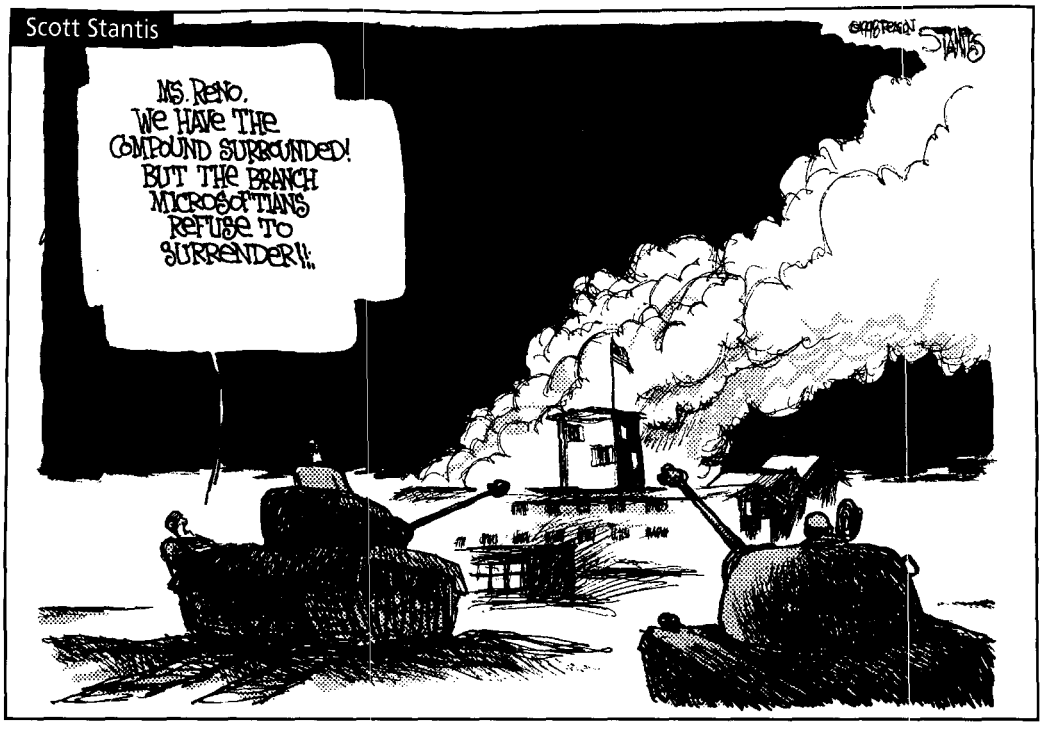
SOURCES

If you'd like to see what antitrust scholars say about the Microsoft case, read the text of the Supreme Court's *U.S. v. Lopez* decision, or check out a law school's Web site, then look up **www.findlaw.com**, a searchable legal database that has plenty of useful information the nonlawyer can appreciate. You'll find links to the complete text of court decisions and federal regulations, law journal articles, and mailing lists for legal academics.

"The national total of ditchweed eradicated compared to the total number of plants seized is 99.28 percent."
—The Vermont state auditor, in a damning report finding that almost all of the "marijuana" seized through federally funded eradication efforts is wild-growing hemp, which is generally not psychoactive ("State Auditor's Report on the Domestic Cannabis Eradication/Suppression Program," available from the Office of the State Auditor, 133 State St., Montpelier, VT 05633-5101, 802-828-2281)

What would a user-friendly government agency Web site look like? (Hint: It wouldn't be run by the government.) And how can you find which political candidates and causes have gotten money from your boss, hairdresser, or poker buddies? Run by a 17-year veteran of the Federal Elections Commission, **www.tray.com/fecinfo** allows sophisticated searches of FEC databases that in many ways are more informative than the searches you can bang out on the FEC's own computers. It absolutely trumps the agency's own feeble Web site (www.fec.gov), and lets you, rather than some member of the D.C. press corps, decide which political funding shenanigans are worth looking into.

Scott Stantis



that the Edgewood program will give "every parent in that district a level playing field and the opportunity to make a choice. The Edgewood public school district is going to have to compete for and fight for those students."

Supervising Smoking

By Charles Paul Freund

Fairfax County, Virginia, home of such early tobacco kingpins as George Washington and George Mason, was built on smoking; cured tobacco leaves were even the colonial currency. But that was then. In May, the Fairfax Board of Supervisors voted unanimously to explore whether it could prohibit county employees from smoking anywhere, ever—including off the job.

Under a proposal by Supervisor Gerald W. Hyland, a Democrat representing the Mount Vernon area (yes, *that* Mount Vernon), the county just south of Washington, D.C., would have refused to hire smokers. Alternatively, it could have forced new hires to stop smoking as a condition of employment, or assigned preferences to nonsmoking job applicants.

However, as *The Fairfax Journal* reported under a front-page banner headline, Hyland's proposal was snuffed out by County Attorney David C. Bobzien. In a June letter, Bobzien informed the board that the proposal

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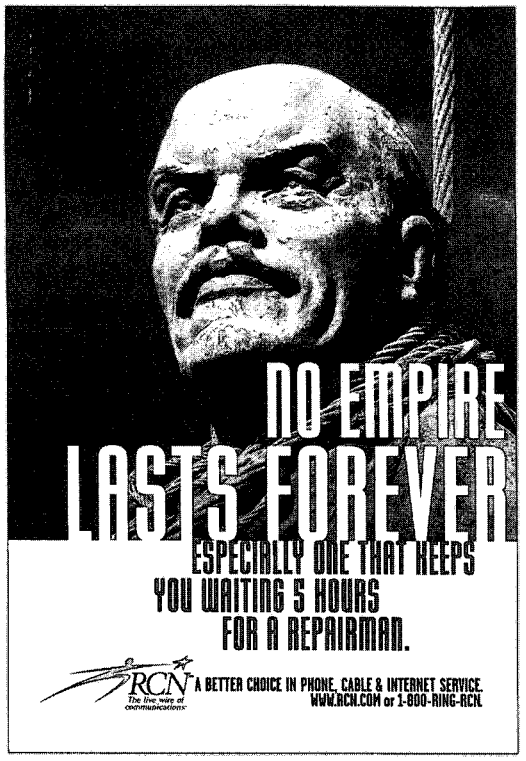
was illegal: Virginia has what amounts to an anti-anti-smoking law. In 1989, the Richmond legislature prohibited local jurisdictions from making tobacco use a condition of employment, except for public safety personnel; local authorities can neither require that employees smoke (not a common threat), nor that they abstain. State law also limits hiring preferences to veterans.

Hyland, whose father died of lung cancer, has made similar proposals in the past. He had the support of his fellow supervisors this year because he also seeks to establish health costs to Fairfax that have resulted from tobacco use, and the board shares his hope of eventually cashing in on a federal tobacco tax bonanza. That part of Hyland's proposal survives. Though his colleagues dismissed his anti-smoking employment policy as "intrusive," they see punitive taxes on smokers as a budget opportunity. Fairfax's colonial plantations may be long buried under suburban tract housing, but tobacco's relationship to currency, there as elsewhere, remains a close one.

ARTIFACT



COURTESY RCN

Brand X

This striking image was not found blowing through Tiananmen Square, nor is it the cover of Francis Fukuyama's next book. It is an ad for Starpower, a company offering phone, cable, and Internet service in the Washington, D.C., area, and is one of a series of posters plastered throughout that city.

The power of the image—Lenin both overthrown symbolically and hanged in effigy—intentionally evokes the pictures of communism's symbolic annihilation throughout Eastern Europe in 1989–1990. But the Starpower ad does some notable annihilating of its own: It reduces communism—and its history of complete failure—to the role of consumer mistake. Lenin lives, this time as the rhetorical equivalent of corn flakes that get soggy and detergent that leaves a ring around the collar. He's the ultimate Brand X.

Starpower's campaign is almost too pure: No reference is made to any of Starpower's competitors, nor does the company make any claims at all for itself. The sparse copy about late repairmen suggests only that uncompetitive institutions cannot survive. This poster sells only choice.

In an age of statuary, the torso of Ozymandias, king of kings, was carted off as scrap for re-use. In an age of information, the same thing happens to his picture.

—Charles Paul Freund

Devil Music

By Brian Doherty

Marilyn Manson, rock's notorious "antichrist superstar," whose onstage antics include shredding bibles and simulating animal sacrifices, might soon have a couple of new outrages under his belt: proposed laws in Michigan and South Carolina that would place ratings on live music concerts and prohibit minors from attending certain shows unless they're accompanied by an adult guardian.

The two Republican state legislators pushing such bills —South Carolina Rep. Daniel Tripp and Michigan Sen. Dale Shugars—both credit public outcry over Manson as inspiration. Tripp drove Manson out of South Carolina last year—but with his claws full of cash. Tripp pushed through a joint resolution banning Manson from performing in state-owned facilities, and the University of South Carolina's Carolina Coliseum—which had contracted with Manson for a performance—paid him not to play.

Though he's been talking about it to the press, Tripp won't introduce his bill until next year's legislative session. He says it would apply only to state-operated concert venues. "I've been playing around with the language," he says. "My bottom line is trying to make a difference, to let the public make an informed choice about what their kids see. That isn't accomplished if I introduce a bill with no chance of passing, or that's unconstitutional." Tripp sheepishly admits that the joint resolution forbidding a Manson show probably wouldn't stand up to constitutional scrutiny. He envisions a bill requiring bands, in their contracts with venues, to promise no obscene elements in their performance to avoid an X rating.

The Michigan bill is out of committee, but Shugars spokesman Mark Michaelsen says proponents are temporarily delaying a floor vote "to see if venues and Ticketmaster can come up with counterproposals that would achieve the same end but work better for them."

The proposals are catching flak from some industry reps, including Recording Industry Association of America President Hilary Rosen. Rosen wrote to a Michigan senator that the bill "actually stifles expression before it happens ....Conditioning expression on government's review of that expression empowers the government to control what its citizens can and cannot hear." Both Tripp and Shugars say their bills are not prohibitive but merely informative—and constitutionally in line with existing obscenity laws.

Michigan legislative aide Michaelsen says recent events demand immediate action. "What's really distressing the senator and myself is the fact that guys who have been involved in shooting rampages in Oregon and Pennsylvania are Marilyn Manson fans," Michaelsen says. "There are some concerts where impressionable kids who can take the lyrics of shock rock a little too seriously just shouldn't be."

Paying for Parks

By Michael W. Lynch

It may appear that the federal government, which for years has been criticized for ignoring the fundamentals of economics, has thwarted the law of demand. In 1997, the National Park Service increased fees at 100 parks, recreation areas, and historic sites yet experienced no drop in visits. Overall, more than ▶

BRICKBATS

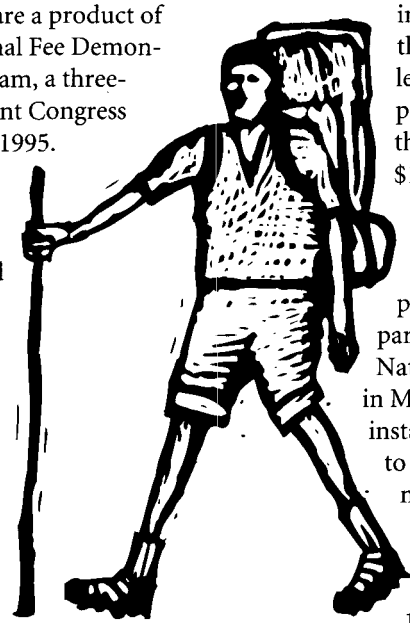
◆ Businesses must go to some pretty ridiculous lengths to protect themselves from frivolous lawsuits these days, and the Massachusetts Civil Justice Reform Alliance held a contest to find out how ridiculous. It picked the most absurd warning labels that firms place on their products. Among the winners: a warning on a can of pepper spray that the user shouldn't spray it in his own eyes; a cigarette lighter cautioning users to point the torch away from the face when igniting; and a bottle of drain cleaner with a warning not to reuse the bottle to store beverages.

◆ Speaking of offensive lawsuits, here's one from Norway. A University of Oslo student is going to court to defend his right to reek. The man was barred from classes because his strong smell and tattered clothes drew complaints from staff and fellow students. The man claims that avoiding soap gives him a better understanding of astrophysics. (That's what he was studying.) He says his expulsion violates his "right to a private life" and "right to an education."

◆ You may not have to worry about your dirty laundry being aired in Lawrence, Massachusetts, but airing your just-washed laundry is another matter. The city has made it illegal to hang laundry anywhere but on a backyard clothesline. The city council member who introduced the law said she was tired of seeing people's shorts and socks hanging from fences and from railings in their front yards.

277 million people visited NPS-managed sites in 1997, a jump of roughly 3.6 percent over 1996. Attendance at the 100 parks that instituted new fees rose by 3.5 percent.

The Park Service hasn't really violated any fundamental economic principles; instead it's allowing its managers to take advantage of their localized knowledge while giving them incentives to improve their facilities. The new fees are a product of the Recreational Fee Demonstration Program, a three-year experiment Congress authorized in 1995. It allows the National Park Service either to increase old fees or implement new ones at selected sites. The new program allows each park to keep 80 percent of the additional revenue it collects, alleviating the need to petition Congress or Park Service headquarters for a piece of a shared pie. Prior to this, all park fees went directly to the federal treasury, where they were spent on everything from cruise missiles to food stamps.



In its first year, the program raised $53 million more than the roughly $80 million that pre-existing fees brought in. While this is still less than 5 percent of the NPS's $1.6 billion budget, it is big bucks for particular parks. Acadia National Park in Maine, for instance, plans to use the $2 million it will collect in fees in 1997 and 1998 to restore a popular hiking trail and historic vistas. Denali National Park in Alaska will make major improvements to its campgrounds with its extra $2 million in fees.

So well received was the program that Congress will allow all fees, not just those increased under the program, to remain at the facilities where they are collected in 1998 and 1999. This pleases park managers and patrons alike. Park managers like it, says NPS spokesperson Dave Barna, because it removes some managerial decisions from "the political context" of annual appropriations. As for patrons, a Park Service survey found widespread support for the program, with eight in 10 parkgoers finding the new fees acceptable. Says Gary Machlis, chief social scientist at the NPS, "If the fees are fair, easy to understand, and the money goes back to the parks, a large majority of the American people accept and support them."

Armed Forces

By Rick Henderson

The federal law enforcement agency with the most gun-toting officers is neither the FBI nor the Bureau of Prisons but the Immigration and Naturalization Service. A Bureau of Justice Statistics report reveals that the INS employs some 12,400

LIBRARY OF CONGRESS

armed agents, an increase of 31 percent since the last BJS survey in 1993. The Bureau of Prisons ranks second, with 11,300 armed officers (a 13 percent increase since 1993), and the FBI third, with 10,400 (up 3 percent).

Of the federal agencies with at least 500 armed officers, which grew the most? The Fish and Wildlife Service, at 40 percent.

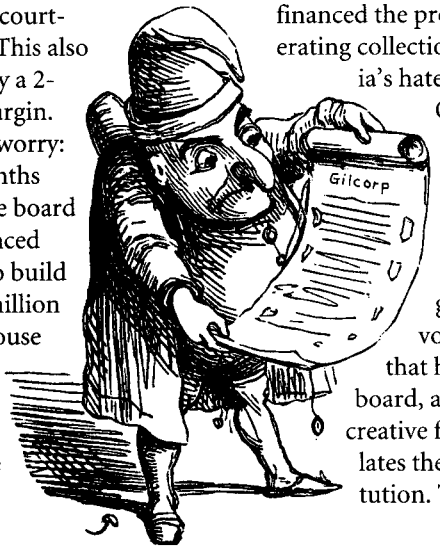
Persistent Politicians

By Michael W. Lynch

Some politicians just won't take no for an answer. In 1993, the Board of Supervisors of suburban Loudoun County, Virginia, placed a $35 million bond issue on the ballot, intended to finance a county government building. By a 2-to-1 margin, the voters said no.

Still salivating for the new office space, the board attempted to make an end run around Virginia's constitutional provision that requires voter approval for all government debt. The supervisors created Gilcorp, a nonprofit corporation, which then secured a contract for a 22-year lease on a building yet to be erected. After raising $30 million with bonds and securing an additional $11.3 million in public funds, Gilcorp constructed a building, which it then leased to Loudoun County. Loudoun voters rewarded the supervisors' creativity by turning seven of the nine out of office in the November 1995 election.

The new board placed a $13.8 million bond issue on the November 1996 ballot to fund an addition to the county courthouse. This also failed by a 2-to-1 margin. Not to worry: Six months later the board announced plans to build a $30 million courthouse addition. Unable to issue debt, it financed the project by accelerating collection of Virginia's hated car tax.



Outraged locals formed Voters Insisting Government Listen (VIGL), a grassroots advocacy group that has sued the board, arguing that its creative financing violates the state constitution. The case is ▶

DATA

Track Record

By Nick Gillespie

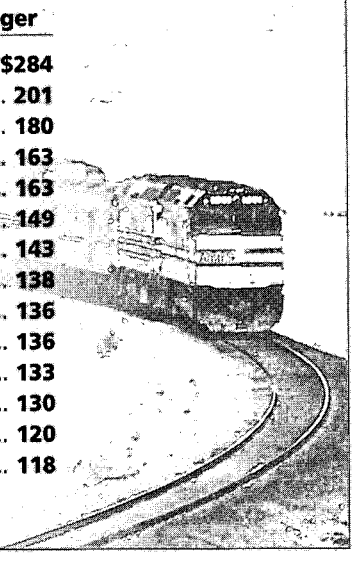
Give Amtrak, the government-funded national passenger rail system, this much credit: When it comes to losing money, it is on time, all the time. Since its creation in 1971, Amtrak has never been profitable and has received roughly $21 billion in federal subsidies for capital and operating expenses (it receives some subsidies from states as well). Fiscal 1997 was a good year—Amtrak lost only $762 million, a deficit that is projected to grow to $845 million in fiscal 1998. Still, hope springs eternal among Amtrak officials: They are sticking by their bold, seemingly drunken, declaration that by 2002, they will no longer need federal operating subsidies.

In a recent report, the General Accounting Office suggested otherwise. Calculating profits and losses on a per-passenger basis for each of Amtrak's 40 routes, the GAO found that only one made money—Metroliner service between New York and Washington, D.C., which threw off $5 in profit for each ticket sold. Overall, however, the system loses $47 per passenger. Below are the top money drains, limited to the 14 routes that lose more than $100 per passenger.

Amtrak's Worst-Performing Routes

Route	Loss per passenger
Sunset Limited (Los Angeles to Orlando, FL)	**$284**
Texas Eagle (Chicago to San Antonio, or Los Angeles)	**201**
Southwest Chief (Chicago to Los Angeles)	**180**
Silver Palm (New York to Miami)	**163**
Crescent (New York to New Orleans)	**163**
California Zephyr (Chicago to San Francisco)	**149**
Silver Star (New York to Miami)	**143**
Three Rivers (New York to Chicago)	**138**
Cardinal (Chicago to Washington, D.C.)	**136**
Empire Builder (Chicago to Seattle/Portland)	**136**
Capitol Limited (Chicago to Washington, D.C.)	**133**
City of New Orleans (Chicago to New Orleans)	**130**
Silver Meteor (New York to Miami)	**120**
Auto Train (Lorton, VA to Sanford, FL)	**118**

Source: GAO, Amtrak



BRICKBATS

◆ Here's proof that you don't have to be a diplomat to work in the State Department. Gregory H. Staunton, a State Department lawyer, tried to return a videotape to a McLean, Virginia, store. When the clerk told him the tape was late, Staunton was enraged. The clerk offered to waive the fee, but an angry Staunton allegedly stalked out of the store with a copy of another video that he hadn't paid for. The clerk followed him outside to stop him, police say, and Staunton hit him over the head with the video. Then he rammed the clerk with his Cadillac, sending the man flying through the window of a restaurant next door. Staunton backed up and tried to run the clerk down a second time before driving off.

◆ When a buddy got a speeding ticket, Garrett Burris thought a real pal would help him fight it. So Burris got a stack of books on traffic law and radar detection and accompanied his friend to court. Burris helped his amigo question the trooper who cited him. But during a recess, the prosecutor asked Burris about his credentials, and he admitted he wasn't a lawyer. His buddy had to pay a $50 fine, but Burris is charged with practicing law without a license. He faces a year in jail and a $2,500 fine.

—Charles Oliver

Chip Bok

HEY, LONESOME... NEED SOME INFLUENCE.
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SILICONE VALLEY?... COOL. I HANDLE IMPLANT SETTLEMENTS.
LOBBY
MR. GATES GOES TO WASHINGTON, D.C.

before the Virginia Supreme Court, which is expected to hear arguments this fall.

Loudoun's citizens are not alone in their fight against bond-happy local politicians. In California, former Libertarian Party gubernatorial candidate Richard Rider is suing San Diego County for forgetting to get voter permission to fund a $200 million convention center expansion. (See "Edifice Wreck," Citings, October 1997.) *The Wall Street Journal* reports that courts in Texas, North Carolina, West Virginia, and New Mexico have censured governments for attempting to circumvent the will of their constituents by coming up with creative bond financing schemes.

Car Talk

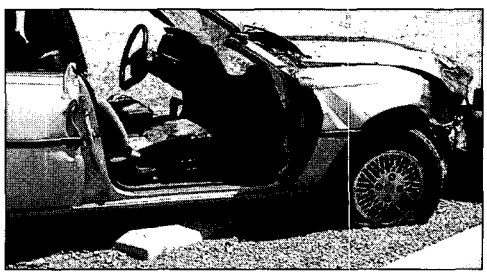
By Michael W. Lynch

On average, Americans spent $774 to insure each of their cars in 1996, reports the National Association of Insurance Commissioners. The problem, says House Majority Leader Dick Armey (R-Texas), is that this money buys each policy holder a mandatory ticket in a "tort lottery." Bipartisan "auto choice" legislation championed by Armey promises to lower insurance costs and make entering that lottery voluntary—and less lucrative for the winners, most of whom are trial lawyers.

Armey cites studies by the Rand Corp. and the congressional Joint Economic Committee. The JEC finds that 28 cents of every dollar Americans spend to insure against bodily damage, which constitutes roughly half of total car insurance premiums, lands in an attorney's pocket. And while victims of minor accidents make out well under the current system, a 1991 Rand study found that individuals who are badly injured recover only a small portion of their total damages. Individuals who suffered losses ranging between $500 and $1,000 typically received 2.5 times the amount of damages in compensation, but those who suffered losses of more than $100,000 recovered only 9 percent.

Legislation sponsored by Armey and Rep. Jim Moran (D-Va.) and Sens. Mitch McConnell (R-Ky.), Joseph Lieberman (D-Conn.), and Daniel Patrick Moynihan (D-N.Y.) aims to reduce the costs of auto insurance by giving Americans the choice of purchasing no-fault protection.

Under auto choice, individuals could buy a no-fault policy (called Personal Protection Insurance) or stick with traditional insurance.



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Those who obtain Personal Protection Insurance would be reimbursed by their own insurance companies for losses in an accident but would forgo their right to recover damages for pain and suffering. Those who continue to carry traditional insurance policies and are involved in an accident would retain the right to sue but would pay for the privilege of doing so.

Proponents of auto choice say the option of buying Personal Protection Insurance would for the first time make the cost of entering the lawsuit lottery explicit. The JEC estimates that auto choice could potentially reduce premiums by as much as 24 percent, for an average reduction of $184 per vehicle. Savings over the next five years could reach $193 billion.

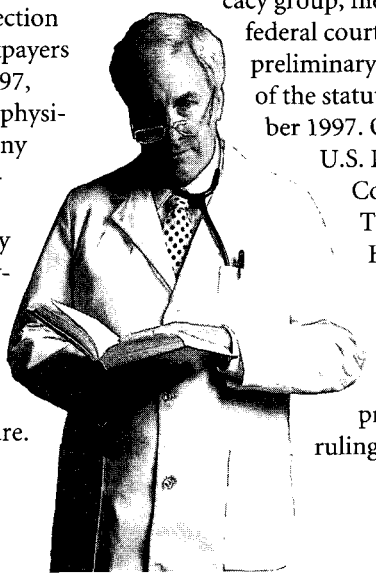
Armey has declared auto choice his top legislative priority. Bills are expected to reach the floors of the House and Senate in July.

Forced Payment

By Michael W. Lynch

A law intended to give elderly Americans more medical choices may instead end up placing all senior citizens' health care under government control.

At issue is Section 4507 in the Taxpayers Relief Act of 1997, which requires physicians to forgo any Medicare reimbursements for two years if they accept cash payments from Medicare enrollees for services covered by Medicare.



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The provision was originally intended to increase health care options for seniors by letting them pay doctors directly for services covered by Medicare as long as their physicians didn't bill the government. But congressional defenders of the current system, encouraged by the White House, added the two-year prohibition on reimbursement, fearing that letting some seniors opt out of Medicare could eventually lead to a two-tiered system in which the affluent receive better health care.

Senior citizens' activists became alarmed because Section 4507 defines a Medicare beneficiary as "an individual who is entitled to benefits under part A or enrolled under part B." Taken literally, this law makes all senior citizens Medicare beneficiaries, since everyone older than 65 is "entitled" to part A, which covers hospital stays. (Seniors have the option of enrolling in part B, which pays for doctors visits.) The provision could effectively prohibit seniors from paying for any health care out of pocket whether or not they enroll in part B, since few doctors who treat seniors are willing to surrender all their Medicare reimbursements.

United Seniors Association, a senior citizen advocacy group, filed suit in federal court seeking a preliminary injunction of the statute in December 1997. On April 14, U.S. District Court Judge Thomas Hogan refused to issue the injunction, making the provocative ruling that the U.S. Constitution does not confer "a fundamental right on individuals to privately contract with their physicians." That decision is being appealed.

For now, the Health Care Finance Administration, which runs Medicare, says Section 4507 applies only to those who choose to enroll in part B, so seniors can still opt out of the government system. But HCFA could reconsider at any time. Barring a successful appeal, America's seniors (if not the public at large) may well see their ability to reliably purchase health care services on the private market disappear.

A Long Way...

By Nick Gillespie

In 1970, about half of all U.S. women between the ages of 25 and 64 worked for pay outside the home; on average, they took home about 57 cents for every dollar men earned. Twenty-five years later, those figures had changed dramatically: Almost three-quarters of women were in the paid work force, and they earned about 72 cents per dollar earned by men. As important, women gained access to a much wider range of jobs. The standard index of gender-based occupational segregation declined from about 70 percent in 1970 to 52 percent in 1990. These and related developments are even stronger among younger age groups, which suggests continued improvements.

Such changes, concludes Cornell University economist Francine D. Blau in a recent National Bureau of Economic Research working paper, means "women have made substantial progress towards gender equality over the past 25 years." In "Trends in the Well-Being of American Women, 1970–1995," Blau notes that positive developments are not simply economic in nature. Differences in education rates have dropped sharply, domestic violence against women has stayed flat or decreased (depending on the measure), and there has even been "a small but notable reallocation of housework between husbands and wives."

These developments are broad-based; Blau notes that "relative gains appear to have been widely distributed across education groups." But she also notes that, like the "declining labor market position of lower skilled men, there has been a similar deterioration in the economic status of less educated women, especially high school dropouts."

GROPING TOWARD SANITY

Why the Clinton sex scandals are changing how we talk about sexual harassment

By Cathy Young

"This is the death of sexual harassment," Susan Carpenter-MacMillan, the flamboyant adviser to Paula Jones, announced on TV—meaning, of course, sexual harassment as a *cause*, not as behavior, and referring to feminists' failure to support her protegé. That was a few days before Jones's sexual harassment suit against President Clinton was dismissed on summary judgment in March. Since then, there has been a good deal of talk about what the case will mean for the legal system and for the American workplace, with many conservatives in the unaccustomed role of lamenting that women will be discouraged from complaining and many feminists in the equally unaccustomed role of decrying frivolous lawsuits.

As legal precedent, the ruling by Judge Susan Webber Wright in *Jones v. Clinton* probably won't mean much. But the case and its ramifications may have a lasting effect on the cultural climate—an impact that could ultimately translate into legal change. If Anita Hill's testimony at the Clarence Thomas confirmation hearings seven years ago turned into a "teach-in" that mainstreamed much of the radical feminist ideology on sexual harassment, then the Clinton sex scandals may become a counter-teach-in that brings us a step closer to a more balanced view of the sexual dynamics between men and women in the workplace.

The concept of sexual harassment was around before Anita Hill. It was coined in the mid-1970s, most likely by feminist legal theorist Catharine MacKinnon, and soon gained recognition in the courts. In 1986, the Supreme Court gave its unanimous blessing to sexual harassment law in *Meritor v. Vinson*, a case in which a bank teller alleged that her supervisor pressured her into a sexual relationship. But the issue remained on the cultural periphery until the "national consciousness raising" of October 1991, when the country was riveted by Hill's claim that as her boss at the Equal Employment Opportunity Commission, Thomas had occasionally asked her out, talked about X-rated movies, and once joked about a pubic hair on a Coke can. Maybe, as journalist Christopher Hitchens suggested in his review of Hill's dreary recent memoir, *Speaking Truth to Power*, "Everyone was slightly out of their skull that week."

The "teach-in" succeeded: The Thomas-Hill episode established a dominant paradigm of sexual harassment. In this paradigm, *any* manifestation of sexuality in the workplace, from romantic pursuit to racy humor, is abusive if someone decides—perhaps long after the fact—that it was "unwelcome." Even if they don't mean harm, men who "just don't get it" bear all the blame for sexual conflicts. To question a charge of harassment is grossly insensitive, even if the behavior of the "victim," such as remaining friendly with the alleged harasser, seems to contradict her claims. (Pennsylvania Republican Sen. Arlen Specter had to work hard to live down his "grilling" of Anita Hill.)

When the dust had settled, the new awareness of sexual harassment remained a part of the landscape. "Every time a man and a woman meet at the water cooler now, Anita Hill [is] right there between them," Wayne State University anthropologist Andrea Sankar told *Newsweek* a year after the hearings—and it speaks volumes about the social climate that this was supposed to be a *good* thing.

On Nexis, references to sexual harassment grew from fewer than 1,500 in 1990 to more than 8,000 in 1992 and nearly 15,000 in 1994. Every week, some new sexual harassment story was in the headlines. In 1993, New York State legislator Earlene Hill was able to cause a furor by revealing that a few years earlier, a male colleague had failed to move to let her get to her seat and jocularly invited her to climb over his legs, while another had said "sex" instead of "six" while reeling off numbers in a speech and then joked, "Whenever I think of Earlene, I think of sex."

Yet from the moment former Arkansas state worker Paula Corbin Jones came forward in May 1994 with her claim of indecent advances by then-Gov. Clinton, feminists were remarkably quick to abandon the Anita Hill paradigm. On CNN, legal scholar and former Democratic strategist Susan Estrich declared that it was healthy for feminists to make the point that "not all women necessarily are telling the truth, and not every complaint deserves to be used in a way which destroys a man." (Trying to neutralize charges of partisan hypocrisy, Estrich also noted, "Maybe we show it in the case of a friend of ours, but so be it.")

Others who had supported wide-ranging definitions of sexual harassment in the past suggested that if Clinton indeed had Jones escorted to his hotel room, displayed his distinguishing characteristics, and asked for oral sex, it was no big deal. Katha Pollitt, the acid-tongued commentator for *The Nation*, noted that Jones lost no pay or promotions for rebuffing him. Eleanor Smeal, former head of the National Organization for Women and president of the Feminist Majority Foundation, opined that it was "a marginal sexual harassment case at best."

Many feminists feebly argued that Jones didn't need their help. She was going to have her day in court, they said, whereas Anita Hill would not have been allowed to testify without feminist pressure. The dismissal of Jones's lawsuit took away this excuse; interestingly, some of the people who had used it, including ex-Rep. Pat Schroeder (D-Colo.), applauded Judge Wright's ruling. On ABC's *This Week*, NOW President Patricia Ireland couldn't give a straight answer to the question, "If Paula Jones's allegations are true, was she harassed?" A number of feminist commentators asserted that a case of harassment must involve some economic or psychological harm to the plaintiff. In fact, that hasn't been the law since 1993—though Wright did cite the absence of tangible damage in dismissing Jones's claim of outrage under Arkansas state law.

At the time Jones's suit was dismissed, allegations of sexual

TOM COCOTOS

misconduct involving Clinton dominated the national scene as much as the Hill-Thomas circus did, with the post-Jones cases seemingly tailor-made for feminist outrage. Although White House intern Monica Lewinsky's alleged Oval Office trysts were fully consensual by her own account, they appear to involve the sort of vast "power differentials" between participants that many feminists have argued preclude valid consent. (In the topsy-turvy world of the Clinton scandals, it was left to conservatives such as Linda Chavez to take this position.) The charge by volunteer Kathleen Willey that Clinton kissed and groped her when she came to see him about a job had overtones of a quid pro quo shakedown.

While Willey's *60 Minutes* appearance finally prompted strong words from Ireland, most feminists still took a "so what?" view of the whole thing. Gloria Steinem published an op-ed piece in *The New York Times* advancing what has become known as the "one free grope" theory: Clinton's alleged overtures to Jones and Willey, while boorish, did not amount to sexual harassment because he backed off when they said no.

It's getting harder and harder to tell the feminists from critics of "sexual correctness" like Katie Roiphe or Camille Paglia—the ones whom Susan Faludi derided a few years ago as "pod feminists," à la *Invasion of the Body Snatchers.* Susan Estrich scoffs that if every come-on in the workplace led to a lawsuit, "We'd all be in court all the time." Anita Hill laments "the use of the term *sexual harassment* to describe any and every kind of sexually related transgression." Faludi herself seems to have been body-snatched: She writes that women who are true adults "acknowledg[e] that sexual encounters are often muddy and fumbled affairs and that, in the case of sexual harassment, the response should be nuanced and in scale to the offense," which sometimes means not reporting it.

Stupefyin' Jones: The indifferent-to-hostile reaction among many feminists to Paula Jones's lawsuit against the president undermines their authority to speak out on sexual harassment. Conservatives who only recently discovered sexual harassment face a similar credibility gap.

AP / WIDE WORLD PHOTOS

The accusations of hypocrisy are well-earned. Faludi, who now mocks the neo-Victorian view of working women as "shocked maiden[s]" horrified by a sexual advance, blames this image on paternalistic male pundits—though she herself once paid homage to that quintessential shocked maiden, Anita Hill. When Susan Estrich stresses that sex with one's subordinate may reflect poor judgment but is not against the law, she conveniently forgets to mention that in her 1991 law review article "Sex and Work" she argued that it *should* be against the law. But the ironic fact is that the new feminist perspective on men, women, and sex at work is mostly quite sensible.

Of course, this isn't systematic revisionism: Most likely, Clinton's feminist apologists want a one-time exception for a president whom, despite reservations, they regard as supportive of their issues and who is under attack from conservatives. NOW spokeswomen are as hawkish as ever on sexual harassment, except when they hide behind an uncharacteristic deference to judicial decisions in the Paula Jones case. Steinem, who protests that feminists are not against sex in the workplace and certainly not against sex, recently gave a glowing endorsement to a sympathetic book about Andrea Dworkin, the feminist writer who is best known for her belief that all sexual intercourse subjugates women and whom Steinem called "one of the finest writers and minds of our time."

Still, all this twisting and turning by feminists is likely to have a ripple effect they won't be able to control, as farsighted harassment hawks realize. Marie-Jose Ragab, president of a breakaway chapter of NOW in Virginia, told me that the national leadership's attitude was emboldening people to say that laws against sexual harassment have gone too far, a development she described as "inches away from hate speech." *The New York Times* editorial page, too, warns that feminist excuses for Clinton may erode the effort to restrict "sexual talk or gestures by men in the workplace."

This much seems clear: The charges of hypocrisy and the dissension in the ranks are certain to undermine the feminists' authority to speak out on sexual harassment. Even Anita Hill's halo as the patron saint of this crusade has been badly tarnished: A standard that requires job-related repercussions for rebuffing unwanted sexual advances doesn't leave much of her case against Thomas.

Of course, as some have pointed out, it's not just feminists who are guilty of double standards when it comes to the Clinton sex scandals: The conservatives who discovered sexual harassment when they discovered Paula Jones aren't far behind (though many conservatives, such as columnist Mona Charen, have warned against jumping on the sexual harassment bandwagon). Legal commentator Bruce Fein, who criticized the Supreme Court in 1993 for eliminating the requirement of economic or

psychological damage in sexual harassment cases, assailed Wright for imposing such a requirement in *Jones v. Clinton.* John Whitehead, the president of the Rutherford Institute—which somehow went from defending the rights of Christians to championing Paula Jones—has compared the harassment endured by working women today to "the way blacks were treated in the twenties and thirties." The Independent Women's Forum, which has directed its share of barbs at harassment litigation, has joined forces with the dissident NOW chapter in Virginia to declare its abhorrence of sexual harassment.

The right-wing conversion to the cause may be driven by more than partisanship or Clinton hating. Some social conservatives (Irving Kristol, for one) have always been guardedly sympathetic to the feminist crusade against sexual harassment, viewing it, rather simplistically, as an effort to restore Victorian protections for the weaker sex. In *National Review,* Wendy Shalit, the newest member of the woman-as-victim school of conservatism, has warm words for Andrea Dworkin—one feminist who has cut Clinton no slack—and argues that feminism thrives by appealing to women's desire to be sheltered from predatory male sexuality. (That doesn't explain why, in post-Monica polls, women are more willing than men to dismiss Clinton's alleged misconduct as his private business.) But conservatives, whatever their intentions, don't make very convincing activists against sexual harassment, if only because they are latecomers to the campaign. If anything, their posturing sends the message that harassment charges are easily used as a political weapon.

Pro-Clinton feminists are making the culture safe for a backlash against the post–Anita Hill sexual regime—a backlash which has been at least as strong a factor in the forgiving public attitude toward the Clinton scandals as the relatively strong economy.

And whatever their intentions, the pro-Clinton feminists are making the culture safe for a backlash against the post–Anita Hill sexual regime—a backlash which has been at least as strong a factor in the forgiving public attitude toward the Clinton scandals as the relatively strong economy, the reason many observers suggest. Judging from what talk show callers say, people may not approve of a middle-aged, married man carrying on with a young subordinate, but they find it at least as outrageous that a sexual harassment complaint should open the way to invasive questions about a consensual affair.

They are also quite willing to recognize that accusers may have ulterior motives and that encounters subsequently labeled as "harassment" may involve complex, reciprocal dynamics: Most people in a poll taken after Willey's TV interview thought neither Clinton nor Willey had told the complete truth. With no feminist thought police to suppress these heresies, even making fun of a woman who claims sexual harassment is no longer politically incorrect. On MSNBC, Wendy Murphy, a staunch feminist victims' advocate, caustically observed that it was ridiculous to "ask for $3 million merely because you saw a penis!"

Of course, cultural attitudes are not the only determining factor in how we approach sexual harassment. The follies and excesses of the crusade against sexual harassment are also a product of bad laws and policies. But perhaps it was only in the cultural climate created by the October 1991 teach-in that these laws and policies could have flourished.

Current harassment law is grafted onto Title VII of the 1964 Civil Rights Act, under the theory—conceived by Catharine MacKinnon—that sexual advances on the job are a form of sex discrimination, depriving women as a class of equal opportunity. Whatever one thinks of the legitimacy of laws banning discrimination in private employment, these laws were never meant to create protections from sexual overtures on the job, which are not "based on sex" in the same sense as the refusal to hire or promote women and which—as the judges who rejected early civil rights suits for sexual harassment pointed out—could be made by a man to other men.

Oncale v. Sundowner, the case in which the Supreme Court affirmed earlier this year that Title VII covers "hostile environment" behavior between heterosexuals of the same sex, highlights the absurdity of the discrimination model—so much so that *The Washington Post* urged Congress to uncouple sexual harassment from sex discrimination. The mistreatment Joseph Oncale allegedly suffered at the hands of his co-workers on an all-male oil rig—including an assault in the shower in which a soap bar was shoved between his buttocks—is horrible. But whatever the reason he was singled out for such abuse, it surely couldn't have been his gender.

Meanwhile, in male-on-female "hostile environment" cases, the charge of discrimination often rests not on differential treatment of women and men but on the premise that vulgar talk and crude behavior are uniquely harmful or offensive to women. This, University of Michigan law professor Kingsley Browne has noted, "seems like just the sort of stereotype that Title VII was intended to erase."

Indeed, the brand of feminist ideology that underlies the crusade against sexual harassment is focused not on equality but on sexual dominance. The standard response to concerns about the anti-sexual animus of this crusade—"Sexual harassment is not about sex, it's about power"—is disingenuous: To these ideologues, *sex* is not about sex but about power. MacKinnon, who played a key role in crafting harassment law and who has asserted that feminist theory "treats sexuality as a social construct of male

power," is hardly an isolated voice. "Because of the inequality and coercion with which it is so frequently associated in the minds of women, the appearance of sexuality in an unexpected context or a setting of ostensible equality can be an anguishing experience," writes Boston University law professor Kathryn Abrams. "Treatment that sexualizes women workers"—any sort of sexual dynamic between men and women—"prevents them from feeling, and prevents others from perceiving them, as equals in the workplace." Sex is presumed, as it were, to equal sexism.

Many courts have endorsed this radical view; indeed, Abrams's ruminations on the perils of sexuality for women have been cited in several prominent cases, including *Robinson v. Jacksonville Shipyards* (1991), in which a federal judge in Florida issued an injunction banning not just the display but the *possession* of pictures or literature with sexual themes in the workplace. Two years later in a less prominent Florida case, *Cardin v. VIA Tropical Fruits*, another federal court upheld a claim of a sexually hostile environment based primarily on "pervasive" racy cartoons and written jokes at work. Some of this material was posted or circulated by women, and much of it made fun of male anatomy: One cartoon showed a woman peering under the sheets at her mate, with the caption, "Where's the beef?" The court conceded that the humor "depicted both men and women" but went on to explain, in pure MacKinnonite terms: "[V]erbal and visual sexual humor—particularly vulgar and degrading jokes and cartoons repeatedly disseminated in the workplace—may tend to demean women. This is because such joking defines women as women by their sexuality, and consequently may create practical obstacles...in the workplace."

The problems with the discrimination model of harassment law are compounded by the notorious subjectivity of "hostile environment" sexual harassment—defined by the EEOC and by the Supreme Court as "verbal or physical conduct of a sexual nature" that has "the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment." Official proclamations haven't done much to clear things up.

For instance, according to a U.S. Department of Labor pamphlet, if someone at work "made sexual jokes or said sexual things that you didn't like," or displayed a picture you consider offensive, it's illegal—at least if it's "making it hard for you to work." But does this mean that you dread going to work every day or that you're occasionally distracted? Does it mean that you're the sort of person who has a fit over a copy of *Esquire* with a cover photo of an actress, coyly looking over her shoulder with her back to the viewer, buttoning up her bra? (This really happened, prompting a full investigation and eventually costing the culprit his job at a wastewater treatment plant in Olympia, Washington.)

"If I run a stop sign, I have broken the law even if I did not intend to," a male EEOC official said during the Hill-Thomas teach-in, defending the emphasis on the victim's response rather than the offender's intent. But while one may fail to see a stop sign, its reality is hardly "in the eye of the beholder." If traffic laws were modeled on harassment policies, there would be no stop signs—you could just be fined for failing to stop when someone thought you should have.

Nor does harassment law require any actual damage to the plaintiff, economic or psychological. All that's needed, the Supreme Court held in 1993 in *Harris v. Forklift*, is a "discriminatorily abusive work environment." While the ruling stressed "a middle path between making actionable any conduct that is merely offensive and requiring...tangible psychological injury," it gave few clues as to where the line should be drawn. In a concurring opinion that sounded more like a dissent, Justice Antonin Scalia cautioned that the court's decision "lets virtually unguided juries decide whether sex-related conduct...is egregious enough to warrant an award of damages." (He added that given the "inherently vague statutory language," he saw no alternative.) Indeed, *Harris* was an example of the extent to which harassment litigation had descended into triviality: While the charges in *Meritor* involved repeated sexual assaults, Teresa Harris, a rental manager at a forklift company in Tennessee, was accusing her boss, Charles Hardy, of nothing more than crude humor—to which she did not object for two years, until Hardy stopped buying supplies from Harris's husband. Indeed, by Harris's own account, when she finally told him she was offended by his antics, Hardy apologized profusely and told her he had no idea she had been upset.

By distinguishing between "threatening or humiliating" conduct and mere offensiveness, *Harris* did enable some courts to roll back harassment litigation. In 1995, the U.S. Court of Appeals for the 7th Circuit reversed an award to a woman whose boss had acted crudely on a few occasions (grunting to express his appreciation of her skirt, making a remark about masturbation as a cure for his loneliness) and stressed that Title VII was not meant to "purge the workplace of vulgarity." More recently, in *Oncale*, Scalia pointed out that the law is not a "civility code"; he further stressed that normal "male-on-male horseplay or intersexual flirtation" should not be confused with harassment and urged "careful consideration of the social context in which particular behavior occurs."

But these admonitions are no substitute for actual standards, which remain vague and inconsistent—as evidenced by the confusion over the dismissal of Paula Jones's suit on summary judgment. The decision was well within the law, yet it easily could have gone the other way. Furthermore, as REASON Contributing Editor Walter Olson, author of *The Excuse Factory: How Employment Law Is Paralyzing the American Workplace*, pointed out in a commentary on the ruling, victories for defendants "are hard to turn into reliable precedent," since current legal doctrine "encourages lower courts to look at the 'totality of the circumstances' in each case anew, rather than developing definite rules that clearly assign or reject liability given a particular pattern."

Not all "hostile environment" claims are merely about bad manners. A number involve egregious conduct, sometimes intended to chase female intruders off male turf. In one such case in the 1980s, three women quit their jobs with a road construction crew after a three-month reign of terror in which male coworkers forcibly groped them and urinated in their lunch boxes and water bottles.

Yet some petty claims go a long way. Debra Black, a former

manager for the Cincinnati developer Zaring Homes, won a $250,000 judgment in 1995 over a few incidents of juvenile humor by her co-workers, such as suggestions of names like "Hooterville" and "Twin Peaks" for a lot next to a Hooter's restaurant; snickers at the mention of a property owner named Dr. Busam; and a comment by a manager who picked up a pastry at a breakfast meeting and said suggestively, "Nothing I like more in the morning than sticky buns." Black never complained until she was fired for attaching a sheet with the president's signature to a document he hadn't seen.

The same year, former Wal-Mart clerk Peggy Kimzey was awarded $50 million, later reduced by the judge to $5 million. Kimzey had quit her job when her boss wasn't disciplined despite her complaint about his yelling and name calling—nonsexual and directed at both sexes. (Kimzey had refused an offer of a position with a different supervisor.) The sexual harassment claim was based mainly on the fact that five years earlier, the same supervisor had made a couple of vulgar jokes about her body. Kimzey conceded that she wasn't particularly upset at the time; indeed, she had indicated in employee questionnaires that she liked the informal atmosphere on the job and had asked to come back to the same department after leaving for family reasons.

Nor is it clear that a single incident does not create a hostile environment unless it rises to the level of assault—the conclusion many have made from Wright's ruling against Paula Jones. After *Harris v. Forklift* was remanded to the lower courts, a judge ruled that, while the company owner's vulgar joking did not constitute sexual harassment before Harris told him she found it offensive, the plaintiff was entitled to a damage award of $130,000 on the basis of single crude remark her boss made about a month after she asked him to stop.

The award to Debra Black was later thrown out, and Wal-Mart may yet win on appeal. Still, even a victory is costly for the defendant. Most sexual harassment claims are settled—including some that would be very unlikely to hold up in court, such as a suit filed in 1993 by two female nurses at a hospital in Santa Rosa, California, charging that their female supervisor's penchant for ribald jokes and bawdy birthday cards created "an environment tainted with sexual harassment." Most companies prefer not to be sued in the first place. Since businesses can avoid liability by showing that they don't tolerate harassment, the incentive is to err on the side of proscribing any behavior that might be actionable. Business magazines have long advised that "sexual banter-ing" and "suggestive remarks" should be stamped out, with no reference to severity, pervasiveness, or even unwelcomeness.

Thus, while relatively few sexual harassment claims may end up in court, measures taken by employers as a direct result of harassment laws—the zero-tolerance policies on "sexual humor and innuendo," the rules at some companies requiring employees who start dating to sign a paper attesting that the relationship is "welcome" and nonharassing, the sexual harassment prevention workshops—affect tens of millions of people.

The "Sexual Harassment Prevention Game," designed by Seattle-based human resources consultant Chuck Hatten for such workshops and purchased by, among others, U.S. West, Boeing, McDonald's, and AT&T, is a striking but representative example of the mentality behind such programs. The board game, in which players move ahead or back depending on the answers they give to questions about hypothetical situations, includes a scenario in which a female janitor complains about locker-room pictures of scantily clad female bodybuilders, put up by another woman as inspiration for her fitness goals. The solution: The pictures must go. In another vignette, male employees who meet for weekly lunches where they trade raunchy jokes must be told that they *have* to invite women and cut out the humor (that women might contribute some jokes of their own is not even an option). An example of what is *not* harassment is revealing as well: A man brings flowers to a woman who earlier turned him down for a date, and she accepts but tells him she wants to keep their relationship professional. He's in the clear—but only as long as he never again shows any sign of romantic interest in her.

Thus, some of the worst abuses of the crusade against harassment happen "in the shadow of the law," in actions taken by private companies but traceable to the effects of sexual harassment litigation. Probably the best-known case of this kind was that of Miller Brewing Co. executive Jerold McKenzie, who won $26 million in damages for wrongful termination last year after he was fired for discussing a racy episode of *Seinfeld* with a female office worker. (While such lawsuits may deter overreaction to harassment complaints, they place employers in a damned-if-you-do, damned-if-you-don't predicament.) At Commonwealth Life Insurance a few years ago, a male manager was demoted with a pay cut and transferred to another office for a reciprocal exchange of off-color greeting cards with a female colleague who later cried harassment. Women who engage in office ribaldry usually benefit from a double standard, but the ax can fall on them too. In 1994 at a branch of United Jersey Bank, a few female tellers and managers shared some giggles over male nudes from *Playgirl* (with no customers in the bank at the

Employers should have every right to restrict speech, forbid the display of pictures, or limit dating on the job. But when the state and the courts impose these rules, which businesses adopt "voluntarily" to avert legal action, that's a different matter.

time). A male teller decided to take offense, and the women were punished with unpaid suspensions and demotions.

Employers, of course, should have every right to restrict speech, forbid the display of pictures (sexual or not), or limit dating on the job. They should certainly have the right to require that employees treat each other with courtesy and respect, though different workplaces can be expected to have different cultures. But when the state and the courts impose these rules, which businesses adopt "voluntarily" to avert legal action, that's a different matter. The current interpretation of Title VII has empowered federal judges, juries, and regulators to act as sex and speech police. Apart from the constitutional concerns this situation should raise, it leads to the usual consequences that follow when the state seeks to control private behavior: People are discouraged from resolving personal conflicts on their own and encouraged to snitch on others and to use laws and regulations to settle personal scores.

In the mainstream media, the response to the Blob-like spread of the sexual harassment concept has been ambivalent. There has been some ridicule directed at cases of harassment overkill, such as an esteemed theology professor ordered into counseling for a classroom discussion of a classic story from the Talmud that includes a sexual reference; an employee who was forced to take down from his desk a small photo of his wife in a bikini; and a 6-year-old boy who was punished for "sexual harassment" after giving a girl a peck on the cheek. But the basic assumption that sex-related conduct in the workplace which is unwanted but is neither coercive nor assaultive is a proper area for litigation and regulation has gone largely unchallenged.

Political and legal practicality is affected by the cultural climate. Right now, there seems to be a great deal of public support for the view that an individual's noncoercive sexual behavior is no one else's business and that a lawsuit should involve actual damage.

Surveys showing an "epidemic" of harassment—based on sweeping definitions that include jokes and unwelcome requests for dates—have received mostly uncritical media coverage. Articles in the popular press have advised men not to say or do anything to a female co-worker that they wouldn't say or do to another man ("Would you tell another guy you like the way he does his hair?") or "to Mom"; both tips imply that women at work must be treated as asexual. Harassment "experts" are still taken seriously when they assert that "what is sexual harassment to one person is not sexual harassment to another," or that "people should be able to arrive at work, do their job and go home without having to hear jokes, stories or comments of a sexual nature." Recently, guidelines to appropriate workplace behavior proposed by the advocacy group 9to5—among them, "Would I want to be seen on the national news saying or doing this?"—were cited by the Associated Press without a trace of irony; nor did the reporter notice the contradiction between this Orwellian precept and the assertion by 9to5 director Ellen Bravo that feminists are not seeking to create "an uptight work environment."

What do ordinary Americans make of all this? Most people with no ideological agenda surely recognize that women contribute a great deal to "sexualizing" the workplace. They probably are ambivalent about making it illegal for a man to pursue a female co-worker after she has told him she isn't interested: Too many marriages started that way. Nevertheless, the message that sexual harassment is A Very Serious Issue has sunk in. The confusion is evident in opinion polls. In a *Time*/CNN poll earlier this year, more than half of men and women agreed that "[w]e have gone too far in making common interactions between employees into cases of sexual harassment." In a *Washington Post* poll conducted around the same time, two-thirds of women and 42 percent of men agreed that "[t]he federal government should enact tougher laws against sexual harassment in the workplace." Nearly 80 percent of men and women, however, also thought that false complaints were common, and many reported policing themselves because of the new rules—even avoiding social contact with co-workers of the opposite sex, as about one in four men said they did often or sometimes.

But perhaps the ho-hum reaction to the sexual charges against Clinton speaks louder than polls. Indeed, one indication of how oppressed many people have felt by what one journalist called "the pressure-cooker politesse" of the post–Anita Hill era is the widely acknowledged sigh of relief when "Zippergate" suddenly made it OK to talk about sex and tell salacious jokes at the office—another way in which the Clinton sex scandals may help end the war on sexual harassment.

Is there a better way to handle real sexual coercion and abuse on the job without polarizing the sexes, rolling out the heavy artillery against trivial misbehavior, or empowering the state to act as a manners police?

In a recently published article in the *Yale Law Journal*, Yale law professor Vicki Schultz assails the emphasis on sex rather than discrimination in current sexual harassment doctrine. As a result of this focus, she argues, nonsexual discrimination and gender-based hostile acts—men denigrating a female co-worker's competence or sabotaging her work—go unnoticed, while the persecution of innocuous sexual jokes gives feminists a bad name. Schultz's ideas seem to be in vogue with the feminist left: An abridgement of her article was prominently featured in *The Nation*, and an interview with her appeared in an issue of *Ms.* devoted to sex in the office.

Schultz makes some good points in criticizing the MacKinnonite equation of sex with sexism. But her suggestion that discrimination without sexual elements is slighted in current litigation is just plain wrong. In fact, many sexual harassment claims—such as the previously mentioned lawsuit against Zaring Co. by former manager Debra Black—are hitched to sex discrimination charges found worthless even by the court which upholds the harassment charge. Moreover, Schultz's approach would likely create more problems that it would solve. Her definition of harassment would require employers to proscribe politically incorrect comments about gender—for instance, that mothers with small children should stay home—and perhaps even comments questioning an individual woman's competence in a "masculine" job.

Other scholars and attorneys would get rid of the discrimination model altogether and deal with sexual misconduct in the workplace as a civil tort. Many acts alleged in serious harassment claims, from sexual battery to indecent exposure, are grounds not only for criminal charges but for civil action—including liability suits against a company which was negligent in failing to protect workers from being victimized on the job. In the mid-1970s, there were also a few successful damage suits under tort and contract law for sexual impositions by superiors involving no force but the abuse of workplace authority.

In a 1990 law review article, Ellen Frankel Paul, a classical liberal political scientist at Bowling Green State University in Ohio, argued for going back to the tort approach. Her proposed tort would cover quid pro quo propositions and sexual conduct that a reasonable person would find "outrageous and extreme"; it would require intentional or reckless wrongdoing by the harasser and "economic detriment and/or extreme emotional distress" to the victim; and the employer would be liable only if it knew of the misconduct but failed to act (or failed to provide a complaint mechanism). Interestingly, many elements of Paul's approach, if not its legal underpinning, are reflected in the emerging new cultural consensus about what constitutes actionable sexual harassment—such as the idea that a legal claim should require either tangible job detriment or severe and demonstrable psychological harm.

That's heartening, since whatever the advantages of a tort approach, such a legal revolution is unlikely in the near future. The harassment-as-discrimination model has become entrenched; the Supreme Court is unlikely to reconsider its unanimous rulings in *Meritor* and *Harris*. Even without such radical reform, a great deal would be achieved by changing hostile environment law so as to require actual hostile intent—that is, to change the current wording, which refers to conduct that has "the purpose or effect" of impeding work performance or creating an offensive or hostile environment, to "purpose *and* effect."

Is it likely that Congress will take any steps that could be perceived as weakening protections against sexual harassment? Few politicians are eager to rise to the defense of people who tell dirty jokes at the office, even if they are victimized by draconian punishments. A few years ago, an attempt by the EEOC to draft "religious harassment" guidelines which would have imposed sexual harassment–style rules on religious expression in the workplace was abandoned after protests from Christian and Jewish groups and from members of Congress; it's hard to imagine legislators taking such a stand in defense of less respectable kinds of expression.

AP / WIDE WORLD PHOTOS

Over the Hill?: If the Clinton scandals end up negating the effects of the Anita Hill-Clarence Thomas drama, it will be the ultimate irony. Clinton's 1992 campaign rode the momentum of the "Year of the Woman," which had its roots in the upheaval over Anita Hill.

But political and legal practicality is affected by the cultural climate. Right now, there seems to be a great deal of public support for the view that an individual's noncoercive sexual behavior is no one else's business and that a lawsuit based on sexual misconduct should involve actual damage to the plaintiff. Right now is a good time for critics of "sexual correctness" to go on the offensive, hold a consciousness raising of their own, and push for legislative change.

If the Clinton scandals end up negating the effects of the Hill-Thomas drama, it will be the ultimate irony: Clinton's 1992 campaign rode the momentum of the "Year of the Woman," which had its roots in the upheaval over Anita Hill. But maybe that's not bad for a Clinton legacy.

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THE POLITICS OF PLENITUDE

THE MARKETPLACE MULTIPLIES CULTURAL IDENTITIES AND CREATES TRUE DIVERSITY. NO WONDER THE RIGHT AND THE LEFT ARE UPSET.

BY GRANT McCRACKEN

IT WAS PLATO who gave us the "principle of plenitude." He understood the universe as a place where "all that can be imagined must be," one in which no potential of existence remains unfulfilled.

Plenitude retains its significance in contemporary life. But while the blooming, buzzing diversity that caught Plato's eye was a property of the natural world, our plenitude is a property of the social world. For us, plenitude is a matter of lifestyle, belief, behavior, and an ever-increasing variety of observable ways of living and being that are continually coming into existence. Plenitude is everywhere among us, especially in our culture and our politics, where it is the source of gross misunderstanding and profound conflict.

We have long been accustomed to stuffing the social world into a handful of categories. We used to say such things as, "basically, there are two kinds of people in the world," or to bundle the world into a typology: social classes, psychological types, birth signs, genders, generations, or lifestyles. But increasingly, the world won't go along with our attempts to reduce it. Where once there was simplicity and

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limitation, everywhere there is now social *difference*, and that difference proliferates into ever more diversity, variety, heterogeneity.

In the late 20th century, there has been a quickening "speciation" among social groups. Teens, for example, were once understood in terms of those who were cool and those who weren't. But in a guided tour of mall life a few years ago, I had 15 types of teen lifestyle pointed out to me, including heavy-metal rockers, surfer-skaters, b-girls, goths, and punks. Each of these groups sported their own fashion and listened to their own music. The day of the universally known Top 40 list is gone.

GENDER TYPES ARE proliferating. Whole new categories of powerful, forthright femaleness have emerged, while "maleness" is undergoing its own florescence. Gayness, which used to mean adhering to a limited number of public behavioral models, has rapidly subdivided into numerous subgroups. Many of these groups have developed their own literature, music, and even retail communities. They have become social worlds.

New species of social life can form everywhere: around rock groups (Deadheads); football teams (Raider fans); TV series (Trekkies); leisure activities (line dancers); means of transport (Hell's Angels); sports (Ultimate Frisbee); movies (*The Rocky Picture Horror Show*); technology (geeks).

So various and changing is this new social world around us that we can barely keep up with the pace of transformation. The tremors of change can be felt everywhere: in our schools and in our grocery stores; in our courts and on our playgrounds; on our computer screens and our multilingual ATM screens; in our reading and in our fashion and in our families. Perhaps most of all in our politics, where plenitude is at the heart of continuing and sometimes bitter conflict. Both left and right have attempted to manage plenitude; both have failed. The reasons for their failure may help us understand the commotion around us.

Plenitude is an unsettling prospect, I think, for everyone. But for the political right it is compelling evidence that things have gone terribly wrong. There is anarchic, willful, recklessly individualistic behavior everywhere. There is evidence that we are losing touch with our most grounding and stabilizing traditions, that any kind of kook can give us advice on private and public life. The world feels tippy, puzzling, dangerous, and odd. We have lives to create, children to raise, communities to build, futures to secure. How are we to do this in a land of drive-by shootings, drugs in the playground, guns in the high school, lawlessness, godlessness, and an abiding sense that private and public security can no longer be guaranteed? How are we to do it in a land of rock videos, Mapplethorpe exhibitions, and a persistent sense that the rules of gender, decorum, and politesse have fled the land?

For the right, a well society is a stable society: composed, self-possessed, in control of itself. By this reckoning, the constant speciation of social life is evidence of a deep malaise. Healthy societies do not throw off a constant succession of new groups. They do not engage in constant reinvention. Plenitude, says the right, is a sign that we have lost touch with our founding traditions.

The right has targeted plenitude as the enemy. The Rev. Pat Robertson famously suggested that feminism "encourages women to leave their husbands, kill their children, practice witchcraft, destroy capitalism and become lesbians." Pat Buchanan, campaigning for the presidential nomination, called Mexicans "José" and emphasized each syllable of Ruth Bader Ginsburg's name.

The right is not always so unsophisticated, but it has been inclined to harbor misgivings about "outsiders." In the mythic vision of the right, people live in a heterosexual, two-parent, one-marriage family, preferably in a freestanding house with a white picket fence. There is nervousness here—and a brute and thoroughgoing discomfort with difference.

It is as if the right can't discriminate between difference that matters and difference that doesn't. Teen fashions, rock lyrics, and certain prime-time TV shows are not differences that matter. But with no operative theory of plenitude, the right must dispute *every* departure from convention. Worse, it must incline to moral panic. Surely some differences are, in the apposite language of the Protestant Revolution, a "thing indifferent": In the larger scheme they do not matter.

Again and again, the right prohibits in a wide swath where something more discriminating would do. The effect is to make the community smaller and more brittle than it needs to be, and to make the right an enemy (real or apparent) of the expressive, creative, sensual, and open-minded. (This was the political advantage of a figure like Lee Atwater. He was "proof" that Republicans were not repressed and life-denying. P.J. O'Rourke has made a somewhat wittier contribution.) The ideological costs of error on this count are great. It gives comfort and place to those who are narrow, provincial, small-minded, and nervous—and antagonizes the rest.

EFFECTIVELY THE RIGHT is arguing what it has always argued: Suffer *this* and the world will come undone. "This" has been the vote for women, access to high culture for those without educations, admission to law schools and medical schools for "outsiders." "This" was always made to seem the last defense of civilization, the innovation that would send the world into a downward spiral from which recovery was impossible.

And...nothing happened. In point of fact, the threatening outsider rarely proves an agent of chaos or the beginning of the end. We have brought virtually all these differences on board, and nothing changed. Civilization

did not cease. We will invent many more differences, and these will prove absorbable too. The world of plenitude is as accommodating as it is generative. It turns out the voice of grave and magisterial caution is almost always wrong.

The right suffers the debilitating illusion that small-town moralities are the way to contend with the challenges of the contemporary world. Because it cannot grasp how much of plenitude is "a thing indifferent," the right allows itself to be taken hostage by the small-minded and the life-denying—radical Christians and young fogies both.

One does not need to be a political strategist of any great cunning to see that this bodes ill. As the world becomes more various, not just on the margin but at the center, the party that turns its back on difference asks for trouble. And the world is becoming more various in the very dens, bedrooms, and basements of the most middle-class homes in the most Republican suburbs.

PLENITUDE IS ONE OF THE TRADITIONS OF WHICH WE HAVE THE RIGHT TO BE MOST PROUD —NOT JUST THE ABILITY TO ENDURE DIFFERENCES, BUT THE ABILITY TO MAKE THEM. THE CONTINUAL CREATION OF DIFFERENCE, VARIETY, AND NOVELTY MAY BE A SIGNATURE GESTURE OF OUR CULTURE.

Naturally, the right has its own account of plenitude. Here is William Bennett on his Washington stay as secretary of education: "My wife Elayne and I...enjoyed wonderful evenings at the John F. Kennedy Center for the Performing Arts...but we were also on more than one occasion dismayed by some of what we saw at this revered center of Washington cultural life."

In this case, and where he talks about "good art, good music and good books" that will "elevate taste and improve the sensibilities of the young," Bennett betrays a wish to see the world as exemplary. And he betrays a nervousness that the stage might be used for art that is at odds with higher values. In this world, there is a single set of things to revere, and the purpose of art is to encourage us in this reverence. Art that departs from lifting hearts and minds to higher, nobler goals is dismaying.

In this world, the art of Robert Mapplethorpe, for instance, is an outrage. But Bennett's difficulty is self-made. It is *only* when art is supposed to have an elevating moral purpose that Mapplethorpe's work is scandalous. Bennett is right, I think, on many points and especially when he insists that we are a culture, a civilization, with its own traditions and standards. He is right to insist that we preserve these traditions. He is right to say we mustn't make ourselves so accommodating of the values of others that we are unable to honor and realize our own.

The trick is to see that plenitude *is* our tradition. It is one of the traditions of which we have the right to be most proud—not just the ability to endure differences, but the ability to make them. The continual creation of difference, variety, and novelty may be a signature gesture of our culture. It is most certainly a defining characteristic as we enter the next century. This is the tradition that we must honor.

No return to classical simplicities will make plenitude go away. No purifying moral purpose will make art more fit for Washington cultural life. Art is already quite slow and confused enough in its response to the varieties of contemporary life. To devote it to the celebration of an exemplary would simply remove it from usefulness altogether. More important, to devote any political capital to the task of criticizing Mapplethorpe or controlling the public venues in which his work might be seen is ludicrously mistaken. This art is a thing indifferent.

PITY THE RIGHT such a world. For this is the wrong landscape from which to take one's lessons. It is better, wiser to look to the great tutor of plenitude, city life. Cities tell us that plenitude is inevitable and that it is, within certain limits, benign. While the rural communities sought singleness, the city has always, blithely, thrown off difference and variety. The lesson of this great experiment is clear: The cultivation of sameness is not needed to secure compliance with a larger set of values. Cities work in spite of plenitude. They work because of

plenitude. This is the symbolic landscape in which the real ideological lessons of the 21st century are to be found.

At the core of the right's difficulty with plenitude is the quiet conviction that anyone who departs from convention becomes dangerous and uncontrolled. Interestingly, there is sound anthropology at work here. A classic stage of ritual transition is the liminal one in which the individual is often seen to be a danger to him/herself and everyone around him/her. But there is another stage that follows: that of incorporation, in which the individual returns to the world to embrace its conventions.

THE RIGHT ACTS as if the many groups thrown off by plenitude harbor an anarchic tendency, that people have become gays, feminists, or Deadheads in order to escape morality. This is not the logic of plenitude. These people have reinvented themselves merely to escape *a* morality, not all morality. New communities set to work immediately in the creation of new moralities. Chaos does not ensue; convention, even orthodoxy, returns. Liminality is the slingshot that allows new groups to free themselves from the gravitational field of the old moralities they must escape. But liminality is almost never the condition that prevails once this liberation has been accomplished.

The right is inclined these days to declare itself the true friend of tradition, and to declare tradition the path to civic virtue and public morality. It presents itself as champion of practices and values tested by time. But the truth of the matter is that plenitude is a Western value and indeed the very author of many of the traditions now being claimed by the right. The Protestant traditions the right holds so dear come out of the spirit of plenitude that created first a church distinct from Rome and then successive, ever more radical versions of Protestantism. Plenitude was there in the beginning. A return to tradition will not make it go away. It is tradition.

But there is perhaps a more pressing and personal reason for the right to rethink its attitude towards plenitude. It is that every member of the right must live in the world that plenitude has created for them. They must endure families that change shape and form. They must endure a workplace that is constantly reinventing itself. They must somehow manage their own lives as notions of gender change continually, as notions of the self come and go. The inhabitants of the right must live in the world that plenitude has wrought.

What the right needs is what we all need—the ability to shift perspectives, honor differences, embrace the generative powers of plenitude. For these generative powers cannot be diminished. They will continue to fill up the world, to work and rework the body politic so that it becomes a web of endless possibilities. New groups, entertaining new assumptions, creating new values, refusing all exclusions—these are inevitable. We need the intellectual and moral flexibility to live in such a world. There is no retreat to a single point of view. There is only movement forward into a world with many points of view.

The left has made a great deal of its sensitivity on issues of gender, race, ethnicity, diversity, and multiculturalism—a sensitivity, it typically claims, the right cannot imagine. In fact, the left has misapprehended and mismanaged these issues almost as consistently as the right—with consequences every bit as grave.

The left has not always claimed a sensitivity on this score. Plenitude was regarded by some as a barrier the revolution would have to sweep away. In the words of the English anthropologist Ernest Gellner (recently deceased), "[T]he Marxists...thought universal and liberated man would emerge in the more tragic melting-pot of an impoverished proletariat, stripped by alienation of all specific attributes, and discovering, and implementing, true humanity through this historically imposed social nakedness."

And this is how socialist regimes were often judged. They were seen to be so suppressive of difference that life was rendered, in the favorite and damning adjective, "gray." More than the common ownership, a command economy, or state culture, this was the telling detail of the socialist regimes of the 20th century, the one that condemned them most in the eyes of a not always unsympathetic West. This may not have been the most sophisticated grounds for political judgment, but for our culture, then and now, it was the most compelling. Fairly or not, we damned these regimes as insufficiently various, as enemies of plenitude.

It is only relatively recently that the left has awakened to the possibilities of diversity. Cynical observers have said it awakened to these possibilities precisely because they were so possible. Class had proven intransigent as an opportunity to mobilize dissent outside the system or leverage power within it. Gender, ethnicity, and race looked more promising.

THE FIRST SYMPTOM of difficulty is the narrowness with which the left defines diversity. The only real plenitude that counts in the left's scheme is that which has an explicitly oppositional quality. Thus, women's groups are "diversity," but country and western line dancing groups are not. Both of these groups may equally engage the individuals within them, both may represent a very substantial shift in cultural categories and social rules, both may mark differences that will continually breed differences, but it is only when the group is explicitly at odds with the mainstream that it qualifies as interesting.

This makes for every kind of intellectual difficulty. It means that no sooner has the left embraced plenitude as something to be taken seriously than it forswears the better part of the phenomenon. Intellectual difficulty begets political difficulty almost straight away. Earnest and prag-

matic, the left is almost always the last to know. Innovations arise, blossom, put their stamp upon the world, but it is years before the left takes notice. Restricted to political categories, wedded to fixity, it cannot glimpse the implications of plenitude's cultural developments.

This is true even of the Marxists who descend from the Frankfurt School and claim to care about contemporary culture. I expect there is no one on the left capable of giving a good account of line dancing. Yet line dancing provides an interesting and dynamic site for the transformation of gender, class, outlook, and, yes, politics. It is on the dance floor that cultural categories and social rules are being re-examined and, sometimes, reinvented.

There is a deliberate narrowness to the left's definition of plenitude. It is interesting to observe, for example, that the "Diversity Librarian" at the University of Michigan is responsible for collecting only in the following areas: minority studies, sexual orientation studies, and multicultural studies. This so diminishes the scope of the problem as to invite astonishment. Diversity overflows these categories. Real diversity happens everywhere—outside the designated political categories of the left, and its intellectual categories as well.

But there is a more chilling aspect to the left's notion of diversity. Too frequently, it isn't very diverse. No sooner has a gender, racial, or ethnic group been identified than it begins to get hedged in by orthodoxies and high-church rigidities. George Wolfe is the writer and director of *Jelly's Last Jam*, the director of *Angels in America*, and the producer of the New York Shakespeare Festival. He is both black and gay. In some communities, this definitional versatility is held against him, as he noted in a 1995 interview. "If I'm including something new, if there's a play that has a gay theme, the response is, 'He's not black anymore, he's doing that homosexual thing.'" What Wolfe is describing is cultural "silencing"—in effect, expulsion from a group based on perceived transgression of its official boundaries.

But plenitude is a restless creature. It will not forgive fixity. It will not endure stasis. It will not allow identity politics to insist on certain orthodoxies because these are "good to think" and variously clarifying of what the emergent group might become. Plenitude resists conformity, orthodoxy, conventions, and rules. The transgressive energies out of which new groups come will continue to course through them even after the moment of creation. We cannot close Pandora's Box behind us. And this is the last thing we would want to do. Plenitude is breaking through the orthodoxy imposed by a middle-class, centrist, bourgeois society, and with this change come opportunities of liberation of every kind. To resist this force is not just pointless. It is wrong.

PLENITUDE IS A force for the infinitely divisible. It will use groups as its vehicle as long as this is possible, but it will make individuals the unit of agency the moment it is impossible. Plenitude has found a friend in individualism, and there is good evidence that it will be a lasting affair. When the left insists on the primacy of the group over the individual, it commits an error from which there is no recovery. Plenitude makes the individual the locus and an engine of much of its innovative activity. It will happily create a world that is an addition of individuals. Groups will cease to matter. Pity the ideological operation that has put groups, and especially particular groups, at the center of the exercise.

More problematically, everyone must necessarily belong to many groups. We may be gay, but we must also be many other things. Necessarily we are only one kind of gay among many, and almost certainly we will not be that kind of gay for very long. The left presupposes a world in which certain definitions of the individual are privileged and frozen into place. The irony is that the left has used the idea of diversity to attack the idea of differ-

OUR WORLD IS FILLING UP WITH DIFFERENCES. AND THIS IS A GOOD THING, FOR SOME OF THESE DIFFERENCES ADVANCE THE CAUSE OF HUMAN DIGNITY. PLENITUDE EMBRACES THOSE WHO WOULD OTHERWISE BE PERSECUTED FOR THEIR DIFFERENCE. BETTER, PLENITUDE DISPENSES WITH "PERMISSION."

ence. This leaves it hopelessly at odds with the world plenitude has wrought.

In sum, right and left have not distinguished themselves on the issue of plenitude. Both of them can claim certain victories in this decade. But neither party has got this issue right. Never mind. Plenitude will have its way with them as well.

OUR WORLD IS filling up with differences. And this is a good thing, for some of these differences advance the cause of human dignity. Plenitude embraces those who would otherwise be persecuted for their difference. Better, plenitude dispenses with "permission." No one needs the liberal generosity of the mainstream to exist. It is enough merely to stake out a social space and to occupy it. Plainly, this is to the good.

But plenitude should also give us pause. It has a darker side. It is capable of creating horrifying aberrations. Plenitude allows (encourages?) the "mustering" of paramilitary groups who cultivate their own deeply skewed notion of the world. It forgives (encourages?) a world so decentered that even the bombing of federal office buildings in Oklahoma City can seem plausible. Plenitude permits (encourages?) the monstrous.

We have a choice. Plenitude can create the glorious or the monstrous. It depends on what we *do* with difference. It depends on what difference *becomes* for us.

Traditionally, difference has been a path to identity paved with hostility and antagonism. It has given us a "sharpener" of identity and a recipe for action: find the odd man, the odd group, the odd nation, the odd culture, and then: mock, repudiate, assault, and, too often, exterminate. (Stalin, Mao, Hitler, Amin, Pol Pot eliminated difference by eliminating people, tens of millions of them. They made our century a slaughterhouse.) *This* approach to difference has used it to sharpen identity through contradistinction. We are what the other is not. Worse, our path to definition may be found through acts of differentiation, antagonism, and hostility against the other.

By this reckoning, things look rather grim. More difference can only mean more antagonism. If we are filling up with differences, we will find ourselves surrounded by *otherness* and increasingly called upon to challenge it. New and emerging identities will put our own in question. *Our* identity will depend upon the defacement of *their* identity. Plenitude's world has the potential to make us smaller, meaner, more loathing, and more loathsome. And *we* are the God-fearing folk. It will be *worse* for others, the bigots and the hatemongers. These people will find themselves so provoked by the rising tide of plenitude that any act of opposition will seem tolerable (and psychologically necessary).

But there is an other use for difference. In this case, we use difference as a definitional opportunity. We say of otherness, "Wonder what that's like?" We venture out and try otherness on. This has always been the spirit of Mardi Gras and other liminal moments. But I think there is good evidence that our entire culture is shifting in a transformational direction. More and more, we are prepared to try on difference, to test it out.

This is a radically new approach to difference, one that completely shifts the field of assumptions. In the old *sharpening* model, we use difference to push off against. We are not what the other is. In this new transformational model, we use difference as a definitional opportunity. We use it as a shape to try on and act out. Our most fundamental reflexes are rewired. When we see a new species of social life (Dennis Rodman, say) we no longer say, "Weirdo! Get 'em!" We say, "Um, that's pretty strange. What's it like to be like that?"

We move from difference as contradistinction to difference as definition. We move from difference as sharpening to difference as shaping. Difference is less and less for "pushing off," and more and more for "trying on." Almost certainly, we will pursue both. And this too will prove, as everything seems to, yet another engine for our plenitude.

There is a second reason to be frightened. Plenitude challenges our most fundamental ideas of social and political association. What becomes of the "common good" in a body politic that has precious little in common? What happens to the "community" when it fills up with differences? How can we hope to act in concert when we are speciating so intensively and so extensively?

I wish I had a clever answer. I have what is merely a sneaking suspicion. There *is* a common culture that unites the world of plenitude. It is, I think, the marketplace. This is the great lingua franca of the contemporary world. As long as we can meet somewhere in the exchange of something for the benefit of someone, we have a foundation that can sustain plenitude. After all, say what you will about the marketplace, capitalism, and the consumer culture, they *have* got us this far.

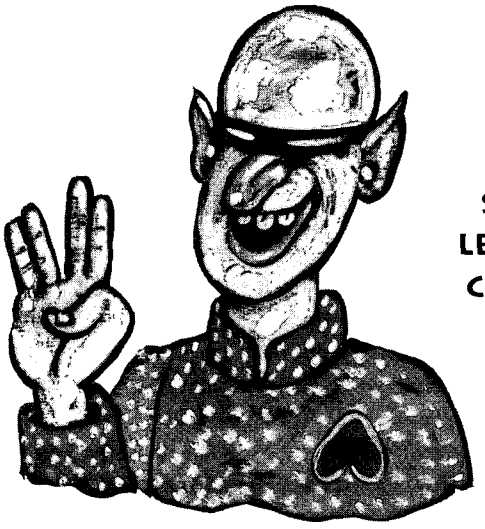
Of course, some will say that some plenitude has happened in spite of capitalism and consumerism. Others will argue that there may be a place where the consumer culture "runs out" and that the next stage of plenitude demands its collapse. But the striking thing from an anthropological point of view is that capitalism is a little like plenitude. For a great many purposes, it doesn't care (or specify) what must happen, just that something does.

There was a period of confusion in the history of capitalism when this was not clear. In the 1950s in particular it appeared that the marketplace could *only* work if producers and consumers participated in monstrous acts of conformity and containment. But the 1960s demonstrated the falsity of this assumption. Capitalism doesn't appear to need certain kinds of conformity. Indeed, as the 1990s draw to a close, capitalism appears happiest and most productive when certain conformity rules do not apply. Things that seemed essential in 1955 (e.g., what the

neighbors thought) turn out to be "things indifferent."

But the economistic mentality contains a toxin that puts plenitude at risk. As long as the entire enterprise depends on a "means-end" rationality and an instrumental logic, there are certain acts of imagination and invention that may not be allowed to happen. Just as clearly, the true creative powers of the species are held in check. The expressive potentials and the instrumental imperatives of capitalism are daily at odds with one another. They collide every time creative teams in Hollywood, Madison Avenue, Broadway, or Burbank sit down with "suits" who demand deference to the monarch ROI (as "return on investment" is called—usually without a trace of irony). To this extent, the marketplace is the enemy of plenitude. As the phrase has it, it all comes down to money.

I accept this, but I cannot ignore the fecundity I see around me. Capitalism has endured, enabled, perhaps provoked the speciation we see around us. It is, as we have noted, particularly unparticular. It doesn't care what it does. It doesn't care what we do. The strangleholds of hierarchies and elites count for less and less. And capitalism is nothing if not transformational. It is restless, inventive, and novelty seeking. It throws off innovations ceaselessly. The consumer culture is a cause and a consequence of plenitude. Certainly, there are some cultural and social arrangements it will not allow. Just as certainly, there is a truly breathtaking array it will. As the phrase *might* have had it: It all comes up from money.



CAPITALISM IS NOTHING IF NOT TRANSFORMATIONAL. IT IS RESTLESS, INVENTIVE, AND NOVELTY SEEKING. IT THROWS OFF INNOVATIONS CEASELESSLY. THE CONSUMER CULTURE IS A CAUSE AND A CONSEQUENCE OF PLENITUDE. CERTAINLY, THERE ARE SOME CULTURAL AND SOCIAL ARRANGEMENTS IT WILL NOT ALLOW. JUST AS CERTAINLY, THERE IS A TRULY BREATHTAKING ARRAY IT WILL.

I DO NOT solve this issue. But I do wish to show, in a way that social scientists normally do not, that capitalism is not always the villain of the piece. I wish to show that it is as often as much the agent of plenitude as its enemy. This is especially important to grasp when we are wrestling with our options in a society fully captivated by plenitude. For it is clear that as our speciation goes forward we are going to need *something*—imperfections, warts and all. Capitalism may be a baby we cannot afford to lose with the bathwater.

We have reason to be frightened of the world that plenitude is constructing for us. But it is also true that there may be a net to catch us when we fall. Plenitude will continue to spin off more, and more different, species of social life, but that does not mean that commonality cannot be fashioned. It doesn't mean that these very different species cannot work out some system of mutual recognition that leaves their differences uncompromised. The marketplace is not a perfect solution. It is never a pretty solution. It is rarely a *just* solution. But it is rather better than the alternative—a tyranny or tower of babel we can none of us survive.

Finally, I think the thing we most have to fear is amnesia—our well-practiced ability to forget what we know about ourselves. We come to terms with one part of the culture of commotion (what is happening to gender, say), but we forget this when we take up another part (what is happening to spiritual belief). And we forget both of these when we sit down to contemplate the tremendous innovations taking place in the worlds of scholarship, business, or art. By systematically forgetting what we know about the disparate pieces of our society, we never have to come to terms with the revolution that is taking place throughout it.

The real danger is that by insisting on the partial view, by selectively forgetting what we know, we need never come fully to grips with the new realities of our world. Plenitude is upon us. It will not go away. It will continue to transform everything about us. It is time to see it whole. ◆

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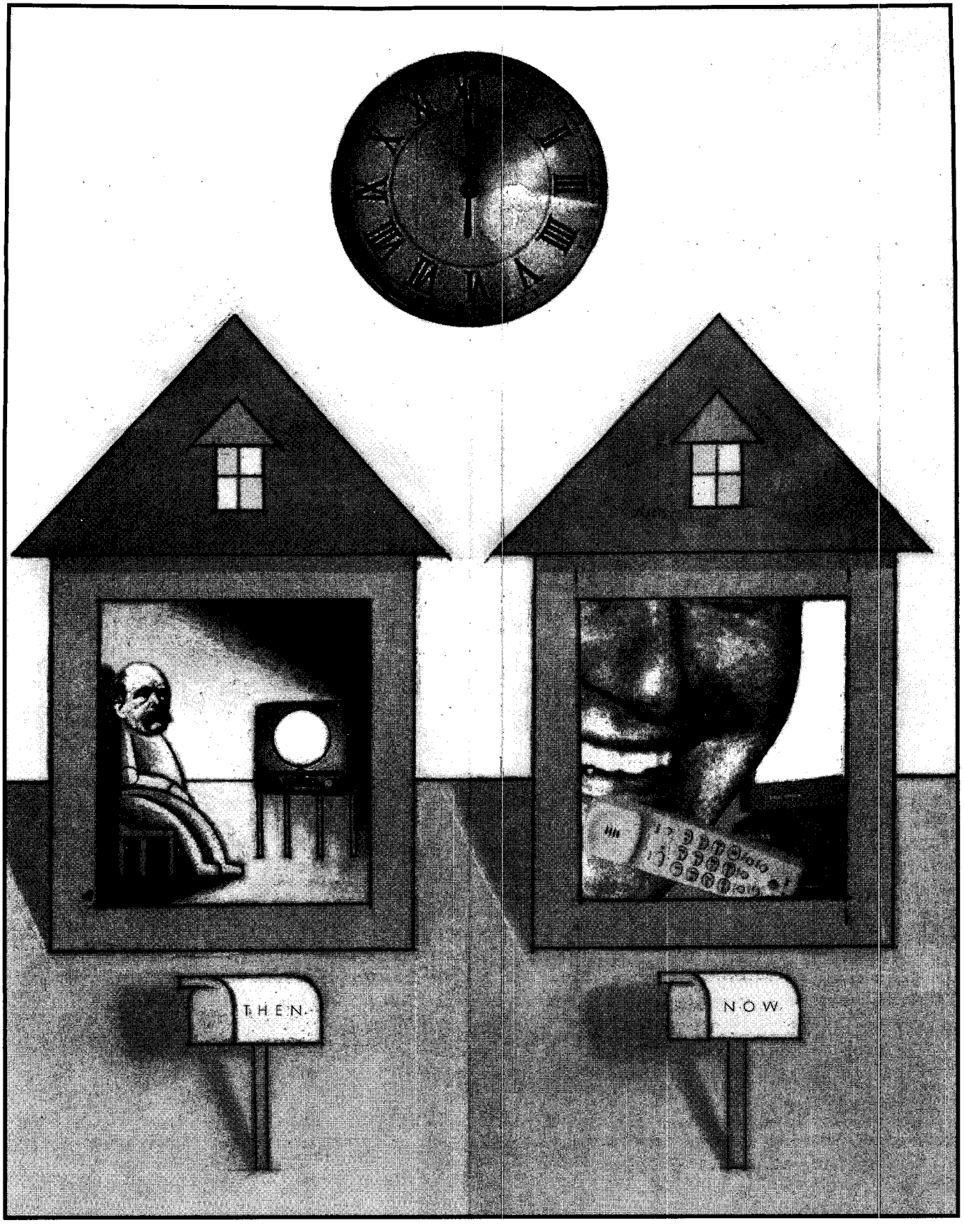

THEN
NOW

Buying Time

How real prices have declined over the years —and why we work less to purchase more.

Americans often put off buying a new computer or cellular phone—not necessarily because we can't afford one but because we're expecting prices to fall. In a conversation about some trendy new gadget, someone's apt to say, "I'm waiting until the price comes down before I buy one." Such a statement shows that declining prices are commonplace, and that many of us are aware of that fact.

Even so, falling prices aren't what Americans usually see. We often lament that the cost of living keeps going up, that it's harder and harder to stretch a paycheck. The hand-wringing about rising prices shows that Americans—even those who wait for bargains—are failing to recognize one of the basic economic realities of our times. Just about everything we buy gets cheaper and cheaper when expressed in prices that *really* matter: the amount of work time required to make a purchase.

For the overwhelming majority of goods and services, real prices fall. That's the history of American capitalism in a nutshell. In 1908, Henry Ford offered his first Model T for $850—the equivalent of more than two years' wages for an average factory worker at the time. Given that cost, it's not surprising that the automaker found a limited market, selling a mere 2,500 cars in the first year. Today, autos are more affordable: An average worker has to toil only about eight months to buy Ford's latest best seller, the Taurus.

Even better, modern consumers are getting a lot more for their money. The cars we drive are incomparably superior to a crank-starting, bumpy-riding Model T. They're more comfortable, with roomier interiors, air conditioning, power seats, and adjustable steering columns. They include such extras as power windows, sunroofs, tinted glass, cruise control, and compact disc players. They're safer, equipped with impact-absorbing "crumple zones" and antilock brakes. They last longer and require less maintenance, with some models traveling 100,000 miles before the first tune-up.

With some important, complicated exceptions such as medical care and college educations (which we'll discuss later), declining real prices are the rule. When long-distance telephone service first became available in 1915, a three-minute call from New York to San Francisco cost $20.70. Only the rich could pay the toll for ringing up friends and family. Earning an average hourly wage of less than 23 cents, the typical factory worker of the day would have had to labor more than 90 hours to make a call. Today, of course, nearly all of us are "rich" enough to afford long-distance calls. A three-minute coast-to-coast connection costs less than 50 cents, or a scant two minutes of work at the average wage.

In 1919, earning enough to buy a three-pound chicken required two hours, 37 minutes of work. Today, it's down to 14 minutes—cheap enough to make quaint Herbert Hoover's famous nirvana of "a chicken in every pot." A fuzzy, 12-inch color television required three months of work in 1954. Now, 25-inch models with crystal-clear pictures and remote control take just three days on the job. A 1970 IBM mainframe sold for $4.7 million, a price only a government or big corporation could pay. The average worker would have to work an entire lifetime—actually, *several* lifetimes—to pay for enough power to do a million calculations a second. Today, personal computers capable of operating

ILLUSTRATIONS: PETER BENNETT

By W. Michael Cox and Richard G. Alm

13 times faster than that IBM mainframe sell for less than $1,000. In average work time, the cost of today's computing is down to 19 minutes for a million calculations per second—a price likely to continue falling.

As we enter the 21st century, Americans take for granted our ability to afford the trappings of the world's most envied middle-class lifestyle. It's the result of the decline of real prices in a dynamic economy, played out over and over. Most goods and services go through a cycle of falling prices and improving quality as companies ratchet up to large-scale production, as markets expand, as competition arrives in the marketplace, and as goods and services move from luxuries to everyday conveniences. The falling real cost of living shows up in such everyday necessities as housing, food, gasoline, and electricity. It also applies to manufactured goods—clothing, home appliances, and the modern age's myriad electronic marvels. Year after year, it takes less work time to afford entertainment and services—movies, haircuts, airline tickets, dry cleaning, and the like.

Time Is Money

The best way to measure the cost of goods and services is in terms of a standard that doesn't change—time at work, or real prices. Ultimately, the real cost of living isn't measured in dollars and cents but in the hours and minutes we must work to live. As Henry David Thoreau put it in *Walden*, "The cost of a thing is the amount of...life which is required to be exchanged for it, immediately or in the long run."

The majority of us aren't born with big bank accounts, but we are born with time. Time is the real currency of life, and the value of our time—what we can acquire for its exchange—is our most important asset. Capitalism has raised the value of our time, making most goods and services affordable for the average worker.

The shortcoming of money prices lies in their inability to take into account what we can afford. A pair of stockings cost just 25 cents a century ago. This sounds wonderful until we learn that the average worker of the era earned only 14.8 cents an hour. So paying for the stockings took 1 hour, 41 minutes of work. Today, a pair requires only about 18 minutes of work. Put another way, stockings cost the worker a century ago the equivalent of $22, whereas now a worker pays only about $4.00. If contemporary Americans had to work as hard as their forebears did for everyday products, they'd be in a continual state of sticker shock —$67 scissors, $913 baby carriages, $2,222 bicycles, $1,202 telephones.

In appraising our nation's cost of living, it's best to focus on what the average American can afford. The calculations of the work time needed to buy goods and services in this article use the average hourly wage for production and nonsupervisory workers in manufacturing. A century ago this figure was less than 15 cents an hour. By 1997, it had risen to a record $13.18, a livable wage but nothing worthy of *Lifestyles of the Rich and Famous*. What's most important about this wage is that it represents what's earned by the great bulk of American society.

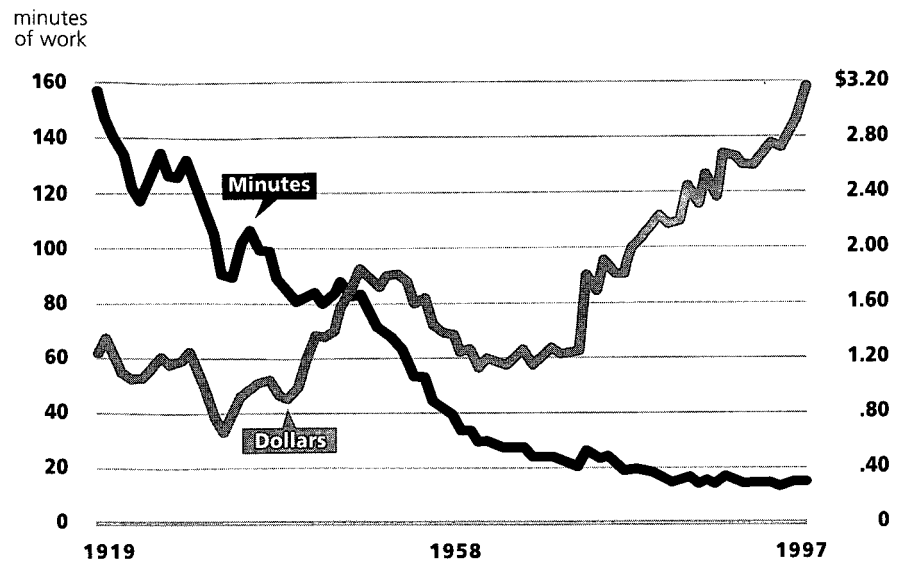
In calculating the cost of living in terms of time on the job, a good place to start is with the basics—food and shelter. For example, the cost of a half-gallon of milk fell from 39 minutes in 1919 to 16 minutes in 1950 to 10 minutes in 1975 to seven minutes in 1997. A sample of a dozen staples—a market basket big enough to provide three square meals a day—costs only 1.6 hours, down from 9.5 hours in 1919 and 3.5 hours in 1950.

There's no doubt that buying a home costs a lot more than it once did in nominal dollars. In 1920, the median price of a new house was $4,700. Forty years ago, as America moved to the suburbs, a typical family paid $14,500 for a new house. Today, the median price is $140,000—and, by all accounts, rising. Housing inflation has outstripped the rise in wages, so the comfort of a roof overhead must be getting more expensive, right? Not really. Today's homes are more expensive, but they're also a lot bigger, so for comparison purposes their price must be expressed in cost per square foot. By that measure, the work-time cost of new homes fell from 7.8 hours in 1920 to 6.5 hours in 1956 and five hours in 1970.

From 1970 to 1996, the work-time cost of a square foot of housing rose by more than one half-hour. It's a mistake, however, to jump to the conclusion that the trend toward greater value in housing ended a generation ago. These days, we're getting more home for our money. Today's new homes are more

likely to come with central heat and air conditioning, major kitchen appliances, a garage, an extra bathroom or two, ample insulation, storm windows, and many other extras. The basic price of today's new homes includes these amenities, so it's impossible to calculate exactly what's happened to the real cost of housing. But it's a safe bet that the added features more than offset an extra 10 percent of work time. What's more, families have continued to get smaller over the past quarter century. Taking into account the shrinkage in average household size, an individual's housing cost, expressed in work time, is actually 6 percent cheaper today than in 1970.

Cost of a 3-pound chicken in minutes of work and dollars



Source: Federal Reserve Bank of Dallas

Most of what's *in* our homes is getting cheaper, too. Over just the past 27 years, consumers have benefited from work-time declines of 60 percent for dishwashers, 56 percent for vacuum cleaners, 40 percent for refrigerators, and 39 percent for lawn mowers. The cost of a twin mattress and box spring fell from 161 hours in 1929 to 78 hours in 1957, 42 hours in 1970, and 24 hours in 1997. A window-style air conditioner now costs less than four hours of work for each 1,000 BTUs, down from 7.5 hours in 1970 and more than 40 hours when first introduced in 1952.

There are bargains in the closet as well. After aviator Charles Lindbergh became the toast of two continents by flying solo from New York to France in 1927, he toured the United States in a Hart Schaffner & Marx suit that cost $42.95. It would have taken an average Joe 79 hours to buy that outfit. Today, the same company sells comparable suits for $525, the equivalent of 40 hours of work. Over the past century, the work-time cost of a pair of Levi's jeans has fallen by nearly seven hours, to three hours and 24 minutes.

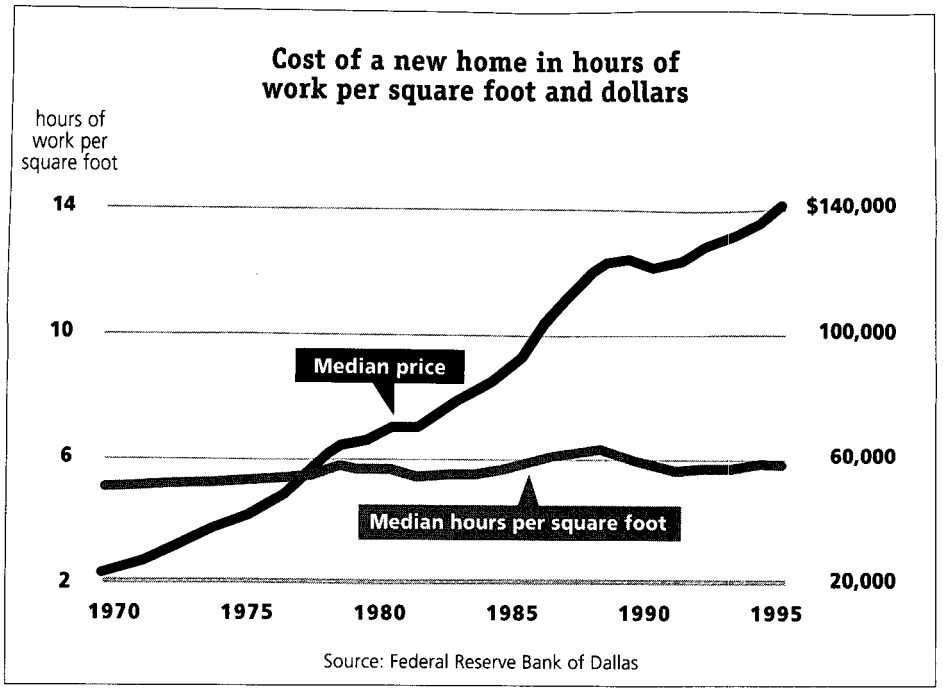
Car Talk

So many products becoming more and more affordable can't be simply dumb luck. To the contrary, we owe it to the routine workings of our free enterprise economy. In the labor market, the system spurs the increases in productivity that raise wages. In the product market, it provides incentives to innovate and the discipline to increase efficiency. The benefits flow to American consumers in the form of greater value—more for our money and more money for our time.

The story of how the car came to be the signature product of America's consumer culture illustrates how economic forces work to the consumer's benefit. In the early 1900s, Ford's critics dismissed the automobile as just a "rich man's toy," beyond the means of the workers who built it. Early automakers built each vehicle to order, an expensive, time-consuming enterprise. Ford revolutionized the industry by perfecting the assembly line, a key to efficient mass production. He standardized parts and developed a network of suppliers. Ford took advantage of the gains from specialization, which increases efficiency by allowing workers and companies to do what they do best. Over the years, the automobile industry expanded, spreading overhead costs over longer production runs.

Just as important, the industry has continued to invest in and appropriate new technology. The development of plastics after World War II, for example, led to lighter, less expensive parts. By the 1990s, robots had taken on routine jobs on the assembly line. Computers are leading the latest assaults on production costs. A frontal crash test performed for $60,000 in 1985 can now be simulated in cyberspace for $200. A three-dimensional object printer has slashed the cost of some prototype parts from $20,000 to $20. Just as important were process innovations, such as just-in-time inventory and the once-inconceivable "single-minute exchange of dies" originally developed by Toyota.

As this last example suggests, companies don't reduce real prices out of civic duty; they do it to in response to competition. In recent decades, America's Big Three automakers—General Motors, Ford, and Chrysler—have been pushed to the limits by imports, particularly from the Japanese. But competition in the auto industry has always been fierce. In 1920, the United States had more than 360 car manufacturers, all sensing a fast-growing industry, all vying in a race that had no clear-cut winners. The companies that emerged from that fracas were those offering the highest quality at the lowest price. Hundreds dropped out of the market, but their efforts didn't go to waste. Good ideas—the automatic transmission, for example—turned up in the products offered by industry survivors. Automakers are still trying to capture customers by adding new features: power steering and air conditioning in the 1960s, sunroofs and tinted glass in the



1970s, antilock brakes and airbags in the 1980s, 24-hour roadside assistance and satellite navigation devices in the 1990s. Competition, then, has a double effect: It drives down costs while improving quality.

At Ford and other automobile companies, the rigorous application of industrial technologies increases productivity—more output from each worker. Productivity is the vital element in more affordable products. As each worker's output rises, the cost of production falls. Greater productivity, moreover, leads to higher pay for workers and bigger profits for shareholders, allowing them to consume more. The automobile industry wasn't alone in adopting modern methods of production. Increased productivity across the economy, from agriculture and services to mining and manufacturing, has pushed wages up decade after decade, allowing more Americans to slip behind the steering wheel. Today, more than 90 percent of American households own a car—and 60 percent have two or more. Within a few years, the United States probably will become the first country to have more vehicles than people.

Catch a Falling Price

The mechanism of falling real prices points us toward an important but neglected aspect of America's economic system—the role of the rich in driving progress forward. A relatively small number of consumers—for the most part, the wealthy—are the first to acquire new products. They're in a position to create new markets simply because they've got money to buy new products and services, even at what for most of us are prohibitive prices. But few entrepreneurs get rich selling only to the rich; the big money lies in bringing products within the reach of the masses. Henry Ford knew that. So does Bill Gates.

Over time, wealthy Americans' free spending spurs a great democracy of consumption because it starts the process of lowering prices. It's as if we're all standing in line, joining in the consumption of goods and services as they come within our budget. Many of us wait for what we want, and our compensation lies in eventually getting a better product for less money.

The economics of this process is straightforward. Virtually every new product requires an often sizable (and risky) up-front investment to cover the cost of getting started. Whether innovation springs from startups or established companies, it requires money for research and development, as well as for the physical plant, machinery, equipment, and labor needed to launch production. The cost of reaching just the first customer can range from a few thousand dollars for a mom-and-pop enterprise to billions of dollars for *Fortune* 500 companies.

Producers, enjoying an exclusive niche in the marketplace and eager to recoup their up-front investment, charge high prices at first, usually knowing full well that only a few consumers will possess the wherewithal to buy. As sales increase and competitors enter the market, fixed costs are spread over more and more customers. Larger production runs mean lower per-unit costs as economies of scale take hold. Success attracts even more competitors, kicking off a race to see which company can offer the best product at the lowest cost. Companies must slash prices to stay in business. They must improve quality to hang onto their customers.

In nurturing infant industries and product lines, the rich pay most of the early fixed costs of new industries. Over the years, they financed the emergence of the automobile, long-distance telephone service, color televisions, computers, and many other goods that are all now readily available to the masses in America. As goods and services filter down to the rest of us, prices more nearly reflect companies' added cost of making one more copy of a product—in economists' jargon, the marginal cost.

The ratio between fixed and marginal costs varies from one type of product to another, which helps explain why some goods and services show steep price reductions and others go through the process more gradually. Big declines usually occur where fixed costs are high: computers, electronics, pharmaceuticals. When fixed costs aren't overwhelming, companies start out charging prices closer to marginal cost—a pattern that fits food and personal services.

Capitalism's critics, especially those who sing the praises of equality above all else, fret that the economy works to the benefit of the wealthy at the expense of the poor. But nothing could be more wrong: Without the rich, fewer new goods and services would find their way to the rest of us. In effect, economic progress emerges from a system of price discrimination—against the wealthy, not against the working classes. In most economic systems, the rich take advantage of the masses. Under capital-

ism, it's the masses who benefit at the expense of the rich. By harnessing the natural power of unequal income distribution, free markets have routinely brought the great mass of Americans products once beyond the reach even of kings.

As the economist Joseph Schumpeter wrote in his great *Capitalism, Socialism, and Democracy* (1943), "Queen Elizabeth owned silk stockings. The capitalist achievement does not typically consist in providing more silk stockings for queens but in bringing them within the reach of factory girls in return for steadily decreasing amounts of effort." Using the wealthy to pull the rest of us along is a very effective redistribution mechanism. No government-sponsored welfare system could deliver anywhere near the benefits that free markets routinely confer on American consumers.

Attention, Bargain Shoppers

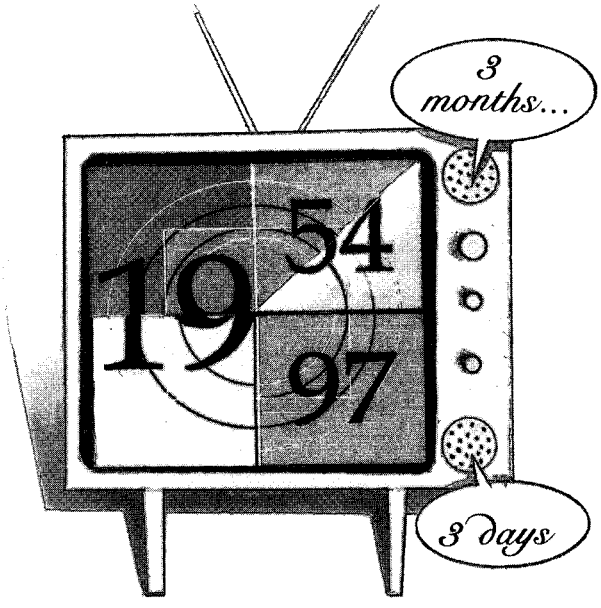
The Ford Taurus sells for 70 percent less than the Model T did. That's not the end of the good news on America's highways and byways. Drivers may grumble when they pull into a service station, but a gallon of gasoline required just 5.4 minutes of work in 1997, compared with 6.6 minutes in 1970, three years before the Arab oil embargo caused prices to surge. If we consider the 60 percent increase in average miles per gallon since 1970, the work time to drive a typical car 100 miles has been nearly halved over the past quarter-century—from 49 minutes in 1970 to 28 minutes today. The price of an automobile tire has risen from $13 in the 1930s to about $75 today. However, today's steel-belted radials last more than 42,000 miles, a big increase from the 16,000 miles for the nylon tires of the 1950s or the 2,000 miles for the cotton-lined tires of the early 1920s. Based on work time per 1,000 miles, tires are now cheaper than ever.

Much of today's consumption centers on leisure. What helps make the good times good is the declining real cost of life's pleasures—little and big. The price of a movie declined from 28 work minutes in 1970 to 19 minutes in 1997. Compared with a generation ago, each 1,000 miles of air travel now requires 61 hours less work. A seven-day Caribbean cruise slipped from 51 hours in 1972 to 45 hours in 1997. It's even getting cheaper to look our best: Work time for dry cleaning a dress is half what it was in 1946, and a woman's haircut is down 27 percent since 1950. Soft contact lenses have plummeted from more than 95 hours' wages in 1971 to less than four today—and the latest versions can be worn longer.

We're a nation on the go, grabbing fast food and snacks. Americans may be eating more of these foods because they're getting cheaper. Buying a large pepperoni pizza costs an eighth less work time than in 1958—and today we can get it delivered to our door. The price of a 6.5-ounce bottle of Coca-Cola has declined from 5.5 minutes in 1920 to 3.5 minutes in 1970 and 1.5 minutes today. In 1940 Californians paid 30 cents—nearly half an hour's wages—for the McDonald brothers' first burger, containing just one-eighth pound of ground beef. Today's one-fifth-pound Big Mac costs $1.89, the equivalent of just 8.6 minutes' work. The price of a Hershey's chocolate bar has risen from 10 cents to 45 cents over the past 23 years; still, its price in work time is a mere 2 minutes, one-tenth of what it cost at the turn of the century.

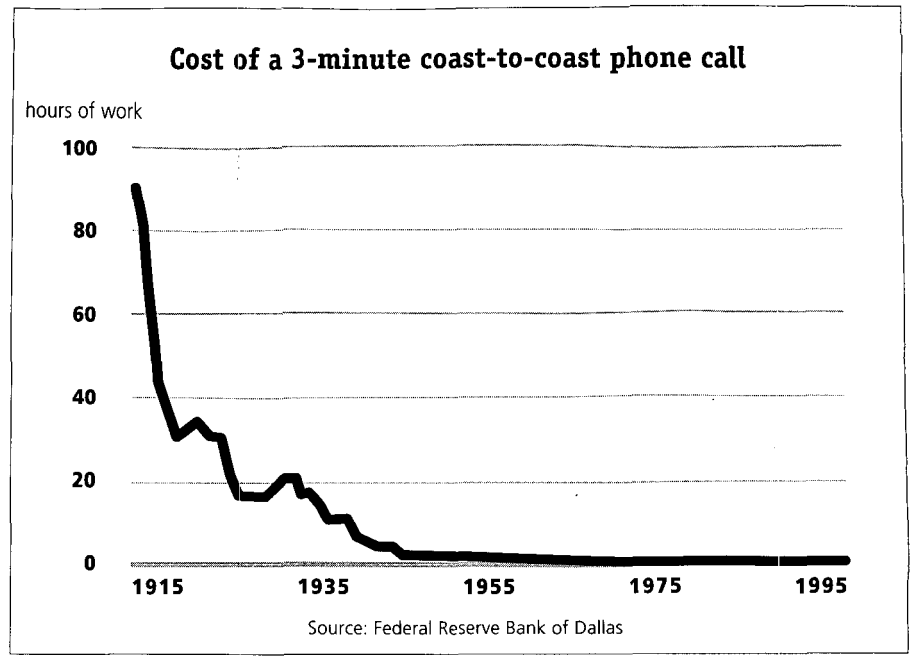
For many newer products, even money prices are falling, so the consumer gets a double shot of the power of free enterprise. A hand-held calculator too bulky to fit easily into a pocket or purse sold for $120 in 1972. A quarter-century later, true pocket calculators sell for $10—cheaper than a slide rule was in 1952. In terms of time on the job, the calculator's price plummeted from 31 hours in 1972 to 46 minutes today, less time than it takes for lunch. Videocassette recorders entered the mainstream market at $985 in 1978. Twenty years later, VCRs offering surer picture tracking, on-screen programming, and other features cost less than $200. VCRs now sell for 15 work hours, or almost 90 percent less than in 1978. Cellular phones sold for $4,195 in 1984; they're available for $120 or less today. Over the past 13 years, the work time required to buy a cell phone has declined 98 percent. Better yet, the phones are often free for the price of

It's only because the real cost of living has been going down decade by decade that everyday Americans can, on average, own bigger houses, drive more and better cars, cram their dwellings with every imaginable appliance and electronic gizmo, indulge in luxuries once reserved for the upper crust, and enjoy more leisure activities.



monthly service, which itself has fallen to about half what it was a decade ago.

Over the past generation, the sticker prices for microwave ovens, camcorders, and many other items have fallen in nominal dollars as well as time costs. It took an average worker more than 176 hours on the job to buy a microwave oven in 1967; now it's 15 hours. Dear Old Dad had to work 57 hours in 1960 to buy a camera to take home movies—a Bell & Howell model that used Kodak film (which needed to be developed at additional cost) and required a specialized projector and screen. Today, 42 hours of work will buy a camcorder that preserves our memories on a handy cassette that slips into the family VCR.



Of course, Americans do work longer to buy some goods and services. For instance, paying for medical care and higher education requires more hours of work than it used to. Tuition and fees at public colleges, where about 80 percent of students enroll, have doubled in work time since the mid-1970s. Inflation has been even steeper at America's private institutions. But simple straight-up comparisons are misleading. Few of us would deny that medical care is better than it used to be: The past quarter-century has brought a wealth of new diagnostic tools and drugs to treat ailments that range from cancer to depression. With college tuition, the increased costs reflect the increased value the economy puts on a sheepskin: Workers with a bachelor's degree earn an average of $16,504 a year more than high school graduates today, up from $10,488 more in 1979.

Extended Forecast: Sunny

Falling real prices bring the good life within the grasp of Main Street America. Prices cannot continue to tumble forever, of course. We won't be earning enough in a morning of work to buy a Taurus on our lunch break, and the bill for a coast-to-coast phone call will probably never sink to zero.

In fact, most of the good news on real prices comes early on, then slows as products permeate the marketplace. In minutes of work, prices for oranges fell 63 percent from 1919 to 1938. It took another 60 years to match that decline. The work time required to buy a pack of Wrigley's chewing gum fell an average of 7 percent a year in the first two decades of the 20th century but less than 2 percent a year after 1920. The real price of a gallon of gasoline halved in the 21 years from 1920 to 1941; it took another 45 years to equal that reduction. As markets mature, it simply becomes more difficult to wring new efficiencies out of the production process, and companies aren't able to cut prices as much.

Even so, consumers will still benefit as new products come onto the market, starting out with high prices that are bound to come down. Within a free enterprise system, the future will continue to bring new generations of products that will repeat the pattern of falling prices. Later this year, for example, manufacturers will begin offering high-definition television, a technology that promises to deliver super-sharp images into American living rooms. When HDTV sets hit the market, they will cost as much as a good used car—about $5,000 to $10,000. Within a few years, the televisions will doubtlessly sell for a quarter or even one-tenth of that in nominal dollars. The hours of work required to own one, of course, will fall even faster.

Working less for what we consume helps explain the gains in Americans' well-being in the 20th century. It's only because the real cost of living has been going down decade by decade that everyday Americans can, on average, own bigger houses, drive more and better cars, cram their dwellings with every imaginable appliance and electronic gizmo, indulge in luxuries once reserved for the upper crust, and enjoy more leisure activities. Today, nearly every household possesses a wide range of modern conveniences that, when introduced, were the province of the rich. The personal computer and the cellular phone, both gadgets of relatively recent vintage, are rapidly heading toward the same universal consumption the country earlier achieved with electricity and telephones.

The true test of an economic system is how productive it is with its resources. None is more precious than people's time. The majority of us aren't born with big bank accounts, but we are born with time. Time is the real currency of life, and the value of our time—what we can acquire for its exchange—is our most important asset. Capitalism has consistently raised the value of our hours and minutes, making most goods and services affordable for the average worker.

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THE NEW REPUBLIC
We beg to differ.

ARSN98

When it comes to corruption, state governments are second to none.

By John Hood

Let me stipulate right up front that Washington is a fetid swamp of scandal. During the past two decades, whatever respect Americans might have had for their national political leaders has steadily sunk into the soft muck of Watergate, Abscam, Iran-Contra, Whitewater, Filegate, Chinagate, Fornigate, etc.

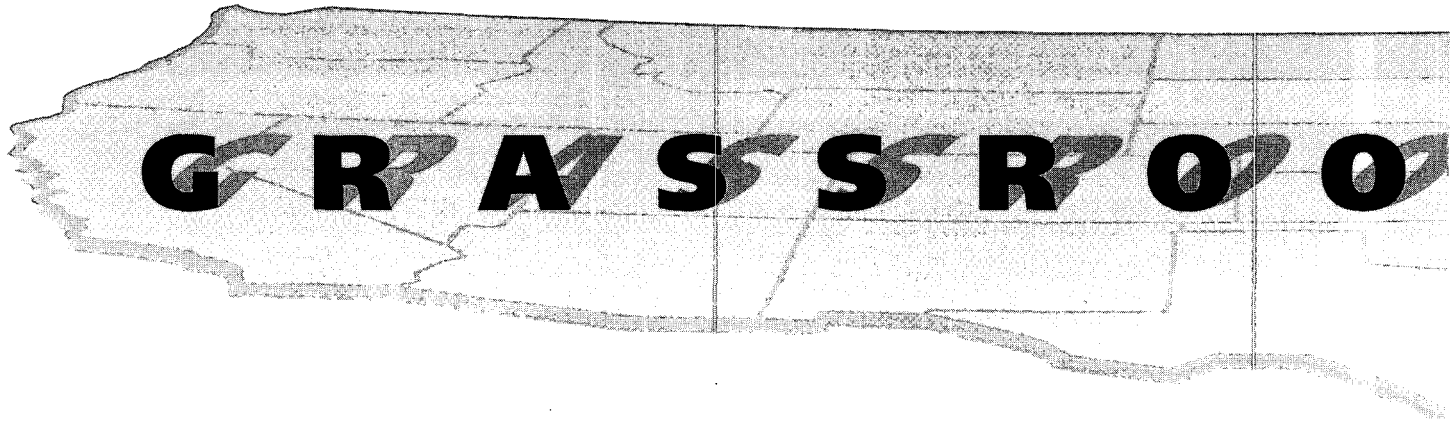
I'll make a bold statement, however. Government corruption is less rampant in Washington than in Albany, Sacramento, or (especially) Little Rock. It is striking that many of the Clintons' most egregious ethical lapses—involving state pension funds, kickbacks, shady land deals, illegal federal loans, and cattle futures—occurred while Bill was governor of Arkansas. Presidents and congressmen make headlines with giggling interns and intricate campaign finance irregularities. State politicians still do it the old-fashioned way: lobbyists with sacks of money, all-powerful committee chairmen who give themselves state contracts, business executives who pay cash for government appointments or regulatory nods.

State officials do this sort of thing a lot—mostly because they keep getting away with it. They typically face less scrutiny than national politicians do, and they have many opportunities to enrich or impoverish individual firms. By contrast, Congress does things that affect whole industries, making it simultaneously more powerful and less amenable to garden-variety graft.

While political observers can count on a couple of hands the federal legislators who've resigned in disgrace during the last decade—Dan Rostenkowski and Bob Packwood come to mind—recent scandals in state legislatures have embroiled dozens, if not hundreds, of lawmakers in tawdry investigations and costly prosecutions. In the last few years, newspapers have been rife with stories of corruption in states such as Arizona, South Carolina, Rhode Island, Kentucky, New York, New Jersey, New Mexico, and Massachusetts. And no one knows what the final body count will be in poor Arkansas, where the Whitewater investigation has turned into a broader scandal of bid rigging, insider deals, and thievery throughout state government.

Let me illustrate my point about state corruption with a few examples. Beginning in the late 1980s, the Kentucky state legislature underwent two major scandals, both involving regulatory oversight.

In the first case, lawmakers enacted measures in 1988 and 1990 that hurt a small harness racing operation on the Ohio River. Its owner sought relief in the state capital, only to be told by a prominent lobbyist that it would probably cost around $100,000—in campaign cash to various lawmakers—to make his problems go away. The racetrack owner, to his credit, didn't pay up. Instead, he went to the FBI, which began an elaborate sting to catch lobbyists and lawmakers in the act of buying and selling votes for cash. The feds eventually netted 11 bribery convictions, including one involving the speaker of the state House.



The second Kentucky scandal involved health care regulation. Humana Inc., based in Louisville, got a special exemption from state licensing rules for some of its health care facilities. Later, an investigation found that a Humana vice president had paid $10,000 for the necessary legislative votes. Kentucky's penal system swelled again.

Rhode Island politicians were also buffeted by corruption charges in the early 1990s. The wide-ranging scandal involved a mayor taking kickbacks from city vendors, a former governor fined for steering state contracts to his political supporters, and judges tripped up on bribery and fraud charges. In perhaps the most colorful incident, state police put a North Providence clothing store under surveillance based on a suspicion that mobsters regularly met there. The suspicion proved correct but incomplete: One regular attendee at the meetings was the chief justice of the state Supreme Court, who later resigned.

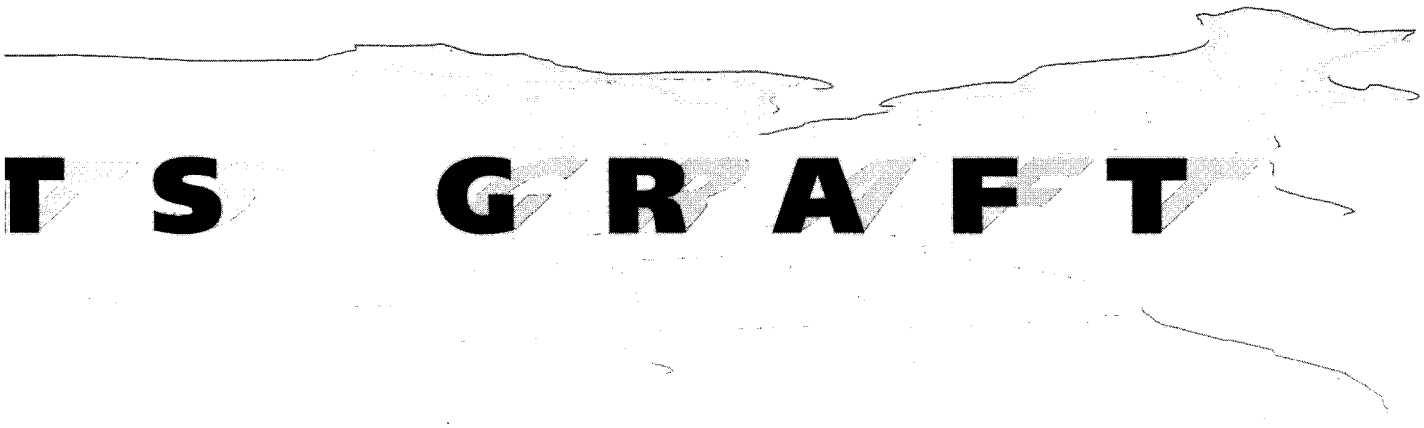
This case may sound like a DeNiro movie treatment, but it's hardly unique. Many state scandals feature dramatic scenes. In "AzScam," the Grand Canyon State's brush with slime, a state representative in line to chair the House Judiciary Committee was caught on camera bringing a nylon gym bag to the office of a lobbyist and stuffing $55,000 into it. Another Arizona lawmaker was actually caught on tape saying, "I don't give a [expletive] about issues....My favorite line is, 'What's in it for me?'" If that bit of dialogue were used in a screenplay, it would be ridiculed as unrealistically blunt.

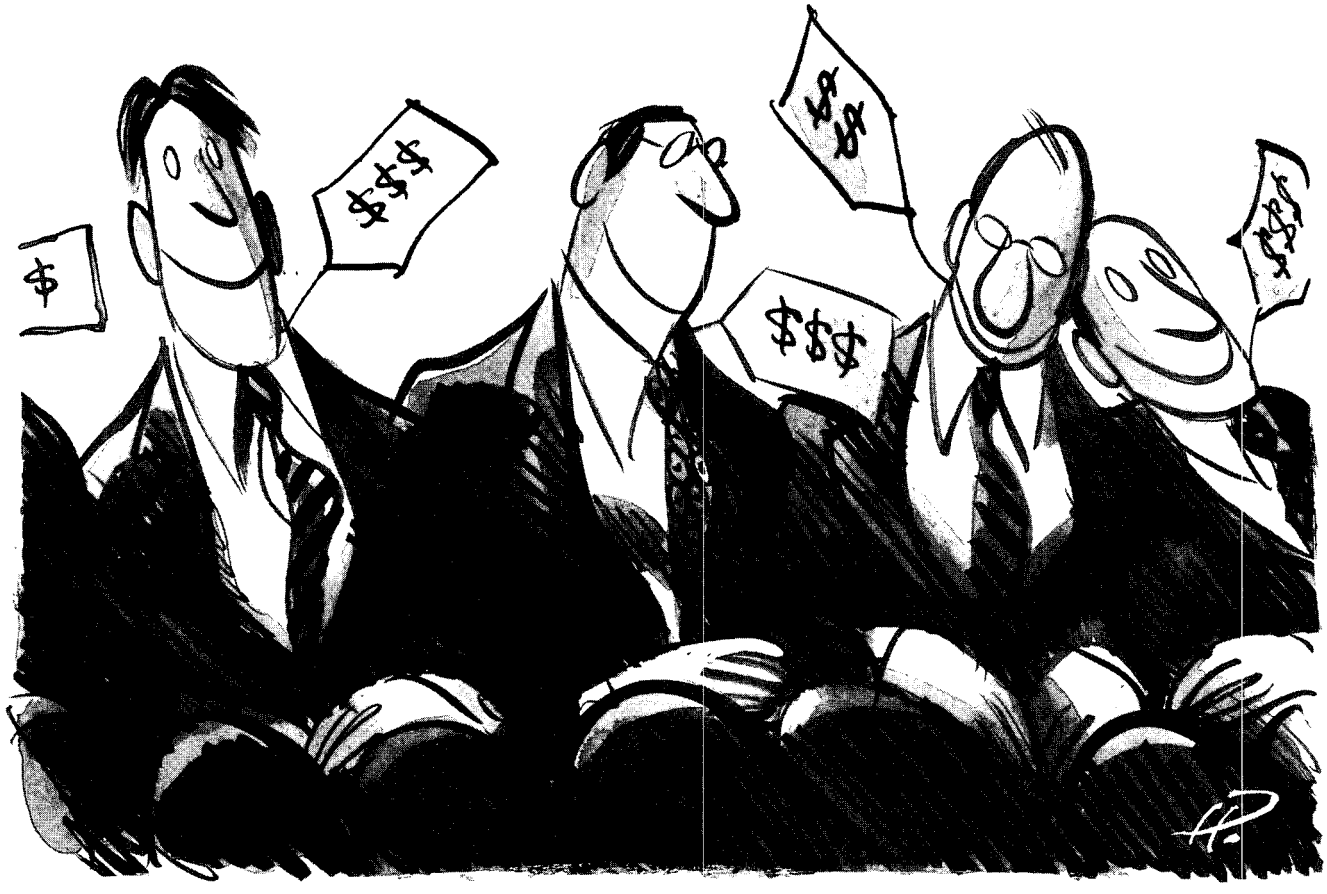
I used to think my home state of North Carolina—where I run a think tank, the John Locke Foundation—was different. During the past two years, I've discovered how wrong I was. It all started the day after Christmas in 1996. Entering a crowded supermarket, I picked up a copy of a local black-owned newspaper to read in the checkout line. I was greeted with a glowing story about two local politicians, elected to the state Senate the previous month, who had given out $100,000 in "discretionary funds" to several nonprofits in minority neighborhoods. "That's my Merry Christmas present," said one of the senators-elect. "[We] are already having a positive effect."

The notion of passing out taxpayer money like Christmas candy was bad enough. But then I started to wonder how someone who had not yet taken office, much less served long enough to slip some pork into the state budget, could get his hands on "discretionary funds." After some digging, reporters for the Locke Foundation's *Carolina Journal* discovered that the money had come from a secret $21 million slush fund, known to only a few legislative leaders. The money had been "reappropriated" from surplus funds in a reserve account for the repair and renovation of state buildings. As is typical of such shenanigans, negotiators had inserted the reappropriation with four cryptic lines in the middle of the night during the previous year's state budget deliberations.

Legislative insiders and their political consultants doled out this money with abandon. Several grants were timed to help embattled incumbents cut ribbons a few weeks before an election. In other cases, the money appeared to be payback for favors done by rank-and-file lawmakers or wealthy contributors.

The grants were hard to justify on policy grounds. Wealthy Pinehurst, home to some of the world's ritziest and most famous golf resorts, got money for a new fire truck. Several senators and representatives steered money to local nonprofits which they served as board members. The Andrew Jackson Memorial and Museum, located along the South Carolina line near a "birthplace" most historians view as mythical, got a $200,000 check—twice its annual operating budget. The same state senator who obtained that grant (and who serves on the museum's board), gave government money to another nonprofit (for which he is also a board member) in a revealing manner. According to a local newspaper, *The Enquirer-Jour-*





nal, he attached the check to a football and threw it across the room to the group's founder during a benefit roast. It seems that dispensing taxpayer money had become a game to him and many of his colleagues.

Some lawmakers used the money to entice private groups onto the public dole. In one case, Playspace, a nonprofit museum and entertainment facility for children in Raleigh, had been on the verge of establishing itself as a self-sufficient organization. After years of receiving state and local grants, Playspace had ended its grant requests, planning to rely on admissions and membership fees as well as private donations. But in December 1996, at the urging of Sen. Eric Reeves (D-Raleigh), Playspace accepted a $5,000 check from the state.

Legal action on some of the improprieties we uncovered is pending. But to our dismay, the slush fund scandal was only the beginning. The Locke Foundation began receiving a steady stream of anonymous tips about wasteful spending and political influence. In 1996, a former employee of the state's Division of Motor Vehicles named Algie Toomer received a controversial $100,000 settlement from the state for employment discrimination. As lawmakers convened hearings in 1997 to investigate the matter, we obtained an exclusive interview with Toomer and his attorneys. He told us about illegal campaign fund raising among rank-and-file DMV employees.

There seemed to be a climate of "pay to play" at the DMV, with workers not so subtly promised that the governor would be apprised of their financial support or lack thereof. On a single day in February 1995, Toomer and some 80 of his Department of Transportation colleagues made contributions to Gov. Jim Hunt's 1996 campaign kitty. More than one-third of the employee donors received pay raises or promotions within a couple of months. According to a report by the watchdog group Democracy South, the contributions were often collected and "bundled" by politically appointed DOT supervisors, who used the cash to strengthen their connections to the governor's office.

By the time we published Toomer's allegations in the August 1997 *Carolina Journal,* the rest of the news media had begun their own scandal investigations. In September, *The* (Wilmington) *Star-News* reported evidence that the governor, his secretary of transportation, Garland Garrett, and his campaign finance director, Jim Bennett, had promised a seat on the North Carolina Board of Transportation, a powerful appointed panel, to a campaign contributor for $25,000. The allegation came to light because the donor, James Allen Cartrette, didn't get the appointment and started complaining about it.

Is selling a government post and then reneging on the deal, among other things, a case of mail and telephone fraud? Columbus County District Attorney Rex Gore looked into the matter and decided not to indict anyone, but he made it clear that he believed the charge. "I personally believe that Mr. Cartrette fully expected to get a DOT position," he said. "I personally believe that Mr. Garrett and Mr. Bennett did little to lead him to believe otherwise. I might get a conviction at the corner store, but I could not in the courtroom." A federal investigation is ongoing.

Another spate of news stories, in *The Charlotte Observer* and *The* (Raleigh) *News & Observer,* reported that several Board of Transportation members—and even, in at least one case, the

HENRY PAYNE

governor himself—had pushed for highway projects to benefit themselves or political patrons. In August 1997 the Locke Foundation joined with three left-of-center policy groups in a joint request for a state performance audit of DOT and prosecution of wrongdoers. The resulting audit called for significant changes in DOT structure and operations.

The problems in North Carolina's transportation department—from excessive politics to insider dealings and mismanagement—led to the resignation of the secretary of transportation, the state highway administrator, and two board members. In February 1998, the FBI, the U.S. Department of Transportation, and the Postmaster General's Office (which handles mail fraud) announced a wide-ranging investigation of North Carolina's DOT.

Last year, the governor announced reforms aimed at reducing the number of patronage employees in the department and tightening procedures for hiring and promotion. State lawmakers are debating DOT reforms that include downsizing the board, tightening ethics guidelines, reorganizing and privatizing transportation divisions, and handing over highway revenues and authority to local governments.

Government will always be necessary to carry out essential functions such as law enforcement. Finding ways to carry out these functions without buying and selling influence is a critical challenge, one that advocates of limited government should make their own.

You might think this long ordeal has validated rather than tarnished the processes through which North Carolina fights corruption. After all, the news media, with a little prodding, did leap into the fray. The legal system, creaking and groaning all the way, did begin investigations and forced some crooks from office. Hunt was forced to cede some power and go through the toughest political scandal of his career. Yet the governor's approval numbers are through the roof. North Carolina voters have either tuned out the scandal stories or concluded that "everyone does it, so why pick on Hunt?"

State corruption is far harder to combat than corruption in high-profile Washington or in local government, where decisions receive more local media coverage and where citizens can attend meetings and corral officeholders. States are the middle, "missing" layer of government. Press contingents in state capitals have been shrinking for years. Many voters lack basic information about who governs their state and what they do.

It will take more than exposés and lawsuits to clean things up in state capitals. It will take basic changes in what state governments do and how they do it. Here are a few of the most important reforms:

■ *Toughen civil service and contracting rules.* I was a reluctant convert to this idea. I used to think that rigid rules for hiring state employees and awarding contracts were unnecessary impediments to running government more like a business. Now I recognize the truth: Government can't and shouldn't be run like a business. It doesn't face the discipline of the profit motive. It relies on attitudes and behaviors fundamentally different from those confronting entrepreneurs. The alternative to civil service protections for employees is not a merit system but selling jobs to campaign donors. Exempting state agencies from bidding procedures means buying office supplies from an agency head's cousin.

■ *Cut back regulation.* There are good economic and moral reasons for minimizing the encroachment of the state into private decisions. But one of the most persuasive arguments is that appointments to regulatory agencies and specific regulatory decisions are often bought by high-dollar donors. One glaring example is nursing home regulation, as the Kentucky case showed. In many states, operators who want to open new homes must obtain a "certificate of need" from state regulators. Coupled with state authority over nursing home reimbursements from Medicaid and other programs, this power makes the nursing home industry a reliable source of campaign cash. Other big campaign players in most states include the gaming industry, real estate developers, home builders, and health care lobbies such as optometrists and chiropractors—all of which worry about regulation.

■ *Fight pork-barrel spending.* While discretionary funds tapped by lawmakers for pet projects in their districts make up a relatively small percentage of most state budgets, they consume a tremendous amount of time and result in a disproportionate amount of corruption. Consider state funding of the arts. While the Locke Foundation has long opposed such spending on principle, over the short term we have settled for reforming the process by which the money is distributed. Grants to local arts groups now must go through an open process of application, priority setting, merit consideration, and approval, which will reduce the amount of logrolling and waste.

As long as human nature remains what it is, there will be potential for official corruption. Government will always be necessary to carry out essential functions such as law enforcement. For the foreseeable future, education and some kind of social safety net are likely to remain government responsibilities as well. Finding ways to carry out these functions without buying and selling influence is a critical challenge, one that advocates of limited government should make their own. ◆

Contributing Editor John Hood (locke@interpath.com) is president of the John Locke Foundation, a nonprofit think tank based in Raleigh.

Quota Quote

Technology in the service of a more inclusive diversity

By Jodie T. Allen

When *Los Angeles Times* publisher Mark Willes recently announced that he was going to grade his editors and reporters on the number of quotes from women and minorities that they included in their stories, not everyone reacted in the proper spirit. If any editor told him to add quotes to a story simply to achieve an appropriate gender/race/ethnicity mix, "I would tell that editor to go to hell," one reporter told the publisher.

Some observers have misunderstood this remark to mean that the reporter objected to the spirit of the enterprise, that his fixation on facts and commentary directly relevant to a story had blinded him to the larger social function, the contribution to inclusive diversity, that newspaper articles can serve. Others surmised that some quote suppliers, laboring under the misapprehension that their remarks were sought for their intrinsic value, might be displeased to find they were filling a demographically labeled box.

But these critics are missing the real point. What bothered the reporter—and the many others at the *Times* who voiced similar concerns—is surely the fear that doing full justice to the demographic multidimensionality of quotees would absorb many scarce column inches. After all, when it comes to identifying people, what's in a name, as Shakespeare so presciently remarked? President Clinton has gotten scant credit for appointing Ambassador Bill Richardson to high office despite his maternal Hispanicity. We can't all be lucky enough to be named Geraldo Rivera.

Consider, for example, a recent front-page article in the L.A. *Times* describing the rise of Charlotte, N.C., to second-largest banking center in America. Variously cited are a bunch of local businessmen, bankers, and urban experts with names like Carroll Gray, Hugh McCall, and Edward Crutchfield. On the face of it, only one citee, a bank official named Carlos Evans, might score a publisher's point. Yet who knows what mosaic of ethnicities, religious affiliations and migratory impulses might be hidden behind a name such as Winchell Cross (as we shall dub one of the cited experts for purposes of illustration)? Full justice might, one imagines, require a reporter to write: " 'Most banks are run by faceless MBAs,' said Winchell Cross, director of the Urban Research Center, an Anglo-Franco-Irish-Italo-nonevangelical-Protestant-with-Catholic-antecedents-American whose predominantly Chinese wife has some Tatar and Burmese ancestry."

President Clinton has gotten scant credit for appointing Bill Richardson U.N. ambassador despite his maternal Hispanicity. We can't all be named Geraldo Rivera.

Well, obviously that's not going to work. And it's certainly not going to fit on a business card. What is needed is a compact notation that will allow full and precise display to the unique parameters of each and every giver of good quote.

A new software package QUOTA QUOTE™ provides the solution. Easily installed into any newspaper, magazine or personal word processing system, it allows reporters and their editors to describe respondents by assigning appropriate values to the superscripts and subscripts in the following expression (note that the coded categories are meant to be illustrative not definitive, so no offense should be inferred from the failure to specify the appropriate values for every reader):

$$\text{Name}^{A,C,Cs,F,G,O,P,R,Ry,S,Sp}_{Geo,N,Nb,E1\ldots n,Es1\ldots m}$$

where the superscripts are specified as follows:

A denotes age (1 = one of the nation's children; 2 = teenager; 3 = Gen-X; 4 = aging boomer/soccer mom; 5 = older worker; 6 = senior citizen; 7 = frail elderly; 8 = death bed)

C denotes color (absent sunning) (1 = black; 2 = tan; 3 = yellow; 4 = white)

Cs denotes color of spouse (defined as for *C*)

F denotes food preferences (1 = omnivore; 2 = vegetarian; 3 = vegan; 4 = kosher; 5 = lactose intolerant, etc.)

G denotes gender (1 = female; 2 = male; 3 = transgendered)

O denotes sexual orientation (1 = straight; 2 = gay or lesbian; 3 = bi; 4 = other)

P denotes political orientation (1 = Democrat, old; 2 = Democrat, new; 3 = Republican, Rockefeller; 4 = Republican, Reaganite; 5 = Republican, religious right; 6 = Republican, Buchananite; 7 = libertarian; 8 = nonaligned)

R denotes current religion (1 = Muslim; 2 = Catholic; 3 = Protestant evangelical; 4 = Protestant other; 5 = Jewish; 6 = Mormon; 7 = Hindu; 8 = agnostic; 9 = atheist; 9 = animist; 10 = Scientologist; 11 = whatever)

Ry denotes religion of youth (defined as for *R*)

S denotes socioeconomic status (1 = underclass; 2 = welfare class; 3 = working poor; 4 = lower-middle; 5 = genteel poverty; 6 = middle American; 7 = yuppie; 8 = Range Rover rich; 9 = Learjet rich

Sp denotes socioeconomic class of parents (1 = lower; 2 = higher; 3 = same)

The subscripts (reserved for the important dimensions of ethnicity and geographical distribution) are given as:

Geo denotes geographic residence (in some instances, broad geographic region —Northeast, Midwest, etc.—may suffice. In others cases, recourse may be had to the two-letter state postal codes.)

N denotes current nationality (1 = U.S.; 2 = Central American; 3 = South American; 4 = Canadian; 5 = Northern European; 6 = Southern European; 7 = North African; 8 = Central African; 9 = Asian; 10

= Pacific Islander, etc.)

Nb denotes nationality at birth (defined as for *N*)

E1 denotes predominant ethnicity—where no ethnicity dominates, specify as the predominant ethnicity of the mother [See *Harvard Encyclopedia of American Ethnic Groups* for a useful guide from which a three-digit coding system (from 001 = Acadian to 115 = Zoroastrian) may be readily constructed.]

E2...n denote other ethnic antecedents in declining order of importance, where *n* assumes (for computational efficiency) a maximum value of 5 and unspecified ethnicities are coded as 00

Esk (where k = 1,m) denotes ethnicity of spouse or significant other defined as for *E*, and *m* has a maximum value of 3.

Applying QUOTA QUOTE™ to the illustration above produces the parsimonious but revealing: "Most banks are run by faceless MBAs," said Winchell Cross$^{4,4,3,2,2,1,2,4,2,7,1}_{NY,1,1,10,92,53,91,32,00,32,104,27}$.

Once a document is specified, QUOTA QUOTE™ will automatically score the document using a five-dimensional matrix of weights specified by editors to represent the relative importance of certain types of classifications (typically age, sexual orientation, political affiliation, and primary and secondary ethnicity—though these also may be specified as parameters for a given application) to their publications in general or to a particular story. Thus, in Miami, extra credit may be given for a Cuban citation, whereas in Alaska an Aleut will score higher. Stories with high emotional content will, of course, be scored high for quotes from females (another Willes dictum), while those dealing with nuclear throw weights or numbers in general will get extra points for male commentary, etc.

Scores can be posted at the end of articles for the convenience of both editors and readers, thereby sparing them the need to read the main body of the article in order to assess its importance. After all, it doesn't really matter what people think or say. What matters is who they are. ◆

Jodie T. Allen (jodiea@microsoft.com) is Washington editor of Slate *(www.slate.com) and a former editor of* The Washington Post*'s "Outlook" section.*

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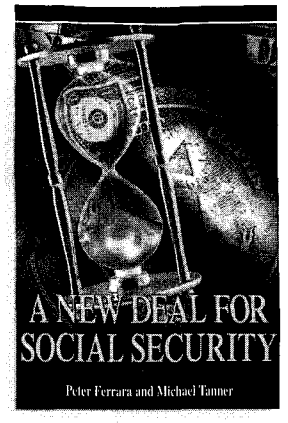

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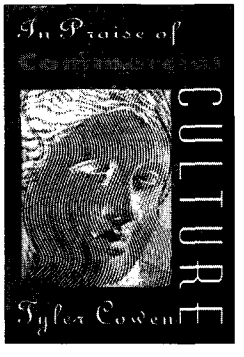

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A Duty to Censor

U.N. officials want to crack down on drug war protesters.

By Phillip O. Coffin

In a TV ad that aired worldwide in May, a cleaning woman walks down the hall of the United Nations headquarters in New York. As she approaches the globe in the front of the General Assembly's meeting room, the narrator talks about the organization's 20th Special Session: "On June the 8th, leaders from 185 countries will gather in this room for three days to talk about drugs."

The cleaning woman, beginning with her rag on Thailand, spritzes the globe and "wipes it free of drugs." Her rag becomes a squadron of helicopters spraying fields with herbicide. We see images of high-tech radar equipment, drug-sniffing dogs, and flaming drug laboratories, offset by two classroom shots representing anti-drug education. The narrator concludes: "Three days...this room...and a world of good. A drug-free world...we can do it."

The U.N.'s anti-drug apparatus—which includes the Drug Control Program, the Commission on Narcotic Drugs, and the International Narcotics Control Board (INCB)—seeks to wipe the world free of dissent as well as drugs. The INCB's 1997 report calls for criminalizing opposition to the war on drugs. The nations of the world have not followed through on that recommendation yet, but the spirit behind it has helped prevent a genuine international debate about drug policy.

Based on the 1988 U.N. Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, the INCB claims that all nations are obliged to enact laws that prohibit inciting or inducing people "by any means" to "use narcotic drugs or psychotropic substances illicitly." According to the INCB's report, offenders include anyone who "shows illicit use in a favourable light" or who advocates "a change in the drug law."

The report criticizes "reputable medical journals" for "favouring the 'medical' use of cannabis," since "such information... tends to generate an overall climate of acceptance that is favourable to" illegal drug use. It also attacks the marketing of nonpsychoactive hemp products, such as clothing and foodstuffs, for "contributing to the overall promotion of illicit drugs."

The INCB even suggests that political campaigns based on calls for drug policy reform may be prohibited under international treaties: "Election campaigns have been conducted with candidates standing for parliament on a drug legalization platform. Some of the candidates for the European Parliament stood on such a platform and were successful. Thus, they were able to use their access and influence to win others over to their cause. Some campaigns, such as the successful campaigns for the 'medical' use of cannabis in Arizona and California in the United States of America, have sought to change the law....

"The Board notes with regret that despite the fact that...Governments of States that are parties to the 1988 Convention are required to make the incitement or inducement to take drugs a criminal offence, either this has not been done or the law has not been enforced. Prominent people have issued some very public calls to take drugs and have not been prosecuted."

The new director of the U.N. Drug Control Program, Pino Arlacchi, has followed up on the 1997 report by attacking European Commissioner for Humanitarian Affairs Emma Bonino, an advocate of drug policy reform. In a March letter to Jacques Santer, president of the European Commission, Arlacchi questioned Bonino's status: "I wish to raise the critical issue of the compatibility of Ms. Bonino's behaviour with the role and functions of

Stop the World, I Want to Get High: As this still from a United Nations TV commercial underscores, the U.N.'s anti-drug apparatus seeks to wipe the world clean of dissent as well as drugs. U.N. officials have attacked advocacy of medical marijuana and suggested that political campaigns to reform drug policies may be prohibited under the 1988 U.N. Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

COURTESY PHILLIP O. COFFIN

a top official of the European Commission," he wrote. "Her main objective seems to be to ridicule the efforts undertaken" by the Drug Control Program. In response, Santer wrote to U.N. Secretary General Kofi Annan, arguing that it is perfectly appropriate for a European commissioner to consider "fundamental questions about the principles, objectives and modalities of the war on drugs."

Kenneth Roth, executive director of Human Rights Watch, noted that the Drug Control Program's position on dissenters has sweeping implications. "Many people...do not share the views about drugs reflected in the U.N. drug conventions and the antinarcotics efforts of many member states," he said in an April letter to the members of the INCB. "Would the [INCB] have member states criminalize advocacy of medical marijuana or of the decriminalization of possession of small amounts of marijuana? Would it have states impose criminal sanctions on people who write books about the sacred truths they have allegedly received from ingesting hallucinogens? Does it really support carting musicians off to jail if their songs are deemed to glamorize drugs?" For anyone who values freedom of expression, the INCB's blithe advocacy of worldwide censorship is pretty scary.

But a more immediate threat is the suppression of politically incorrect views within the U.N. itself. The World Health Organization removed a section from a recent report on marijuana concluding that the drug's hazards pale beside those of tobacco and alcohol. WHO said the section was dropped because "the reliability and public health significance of such comparisons are doubtful." The lead researcher, Robin Room of Canada's Addiction Research Foundation, disagreed. "In my view," he wrote in *The* (Toronto) *Globe and Mail*, "enough is known for such comparisons to be useful." The real concern seemed to be the potential reaction from U.N. drug control officials. One source familiar with the controversy says the view at the Drug Control Program is that "anyone who wants to make comparisons [between marijuana and licit drugs] is a legalizer."

Another case of WHO censorship involved research on coca. In 1994, after two years of research in 19 countries, a group of well-respected investigators concluded that coca leaf chewing is not addictive. They also found that most cocaine users consume very little of the drug and experience few serious problems. The results were summarized in a March 1995 press release. In May 1995, according to official WHO records, the organization's U.S. representative, Neil Boyer, "took the view that the study on cocaine...indicates that [WHO's] programme on substance abuse was headed in the wrong direction" and that "if WHO activities relating to drugs failed to reinforce proven drug control approaches, funds for the relevant programmes should be curtailed." The full results of the study were never released.

The response to that project was reminiscent of an incident that occurred nearly half a century ago. In 1950, when he found out that the Navy was investigating the use of coca to prevent muscular fatigue, Harry Anslinger, director of the Federal Bureau of Narcotics, wrote to the principal researcher. "The fact that a domestic scientific project was in progress in the United States, involving the study of the effect of chewing of coca leaves on fatigue, would have a most unfortunate effect on our efforts to achieve international agreement on limitation of production of the leaves," Anslinger said in a letter uncovered by historian Paul Gootenberg. "I therefore must strongly urge that that part of the project involving the use of coca leaves be abandoned." It was.

U.S. officials continue to lead the international fight against deviation from the official line on drugs. According to staff members at the U.N. Drug Control Program, the INCB's U.S. representative, Herbert Okun, has played a vital role in developing the U.N.'s censorship standards. That role is not surprising, given the attitude of U.S. drug warriors toward American dissenters.

In December 1996, a month after California and Arizona voters legalized the medical use of marijuana, Attorney General Janet Reno, drug czar Barry McCaffrey, and Drug Enforcement Administration Director Thomas Constantine announced that the federal government would punish any doctor who recommended marijuana to a patient. A group of California physicians challenged the policy as a violation of the First Amendment, and they won a temporary injunction from a federal judge. A year later, when television character Murphy Brown smoked marijuana to relieve the nausea brought on by cancer chemotherapy, Constantine promised to investigate "if any laws were broken."

By trying to silence skeptical voices, drug warriors further weaken their authority and credibility. Perhaps sensing that such an approach is counterproductive, the conservative Finnish delegation to the Commission on Narcotic Drugs rejected the conclusions of the INCB's 1997 report. "Finland represents a very restrictive drug policy line," it said. "We consider, however, that it would be unfair to label all those who are of a different opinion as being in favour of drugs. If we feel that we are the losers in the debate with the free press, it is best to check our own arguments."

Phillip O. Coffin (pcoffin@sorosny.org) is a research associate at the Lindesmith Center, a drug policy think tank in New York.

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Retirement Plans

Genuine Social Security reforms appear surprisingly likely.

By Michael W. Lynch

In 1992, presidential candidate Bill Clinton, needing to shed the liberal baggage that then accompanied Democrats on national campaigns, promised to "end welfare as we know it" if elected. In 1996, after President Clinton twice vetoed bills that would have done so, Dick Morris whispered in his ear, and the president signed a bill that ended Aid to Families with Dependent Children.

Cut to January 1998. The president's Lewinsky period begins. Facing a hostile press and Congress, President Clinton needed to come up with a zinger or two for his State of the Union address. With his favorite subject—children—temporarily off the table, Clinton shifted his attention to the other end of the age spectrum. Preempting Republican dreams of tax cuts, the president promised to use "every penny of any [budget] surplus" to "save Social Security."

Whether Clinton meant it at the time isn't important. Political leaders often set forces in motion they cannot control. And just as Clinton's pre-presidential promise eased the way for welfare reform, his State of the Union speech may mark the beginning of the end for the unsustainable Ponzi scheme known as Social Security.

It is far from a sure thing, but the political planets are in alignment for real reform in 1999: Congressional Republicans have long wanted to reform the system; polls show the public understands something must change for Social Security to remain intact; the budget surplus is accumulating to cover some of the short-term costs that any reform will generate; and high-profile Democrats such as Sens. Daniel Patrick Moynihan (N.Y.) and John Breaux (La.) are joining Republicans in offering serious reform plans.

One reason action is likely is that Washington's policy makers—and many Americans—already know what's wrong with the system: It's a raw deal on the verge of long-term insolvency. They also know what needs to be done to fix it: Transform the system from an intergenerational transfer program to one that is based on invested wealth.

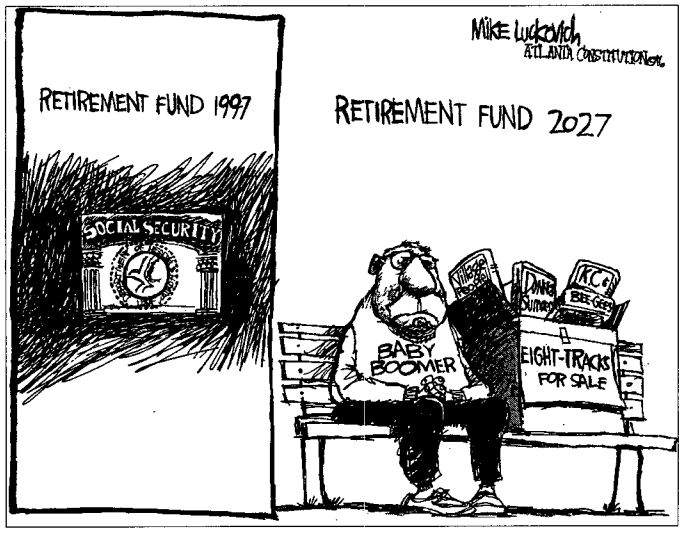
Social Security, as currently structured, faces the twin problems of insolvency and poor rate of return. According to the latest Social Security Trustees report, by 2013 Social Security will begin to pay out more each year than it collects in taxes. At that point, the system's obligations will put pressure on the general budget, as the cash-flow shortfall will have to be made up by some combination of spending cuts, tax increases, or debt finance.

Even as its solvency slips away, Social Security promises to provide Americans currently compelled to contribute to it an extremely poor rate of return. Calculations by the Heritage Foundation show that an average two-income family with 30-year-old parents can expect a dismal 1.2 percent return from the 10.7 percent of its income devoted to Social Security's retirement benefit.

Here's the rub: Under the current pay-as-it-goes structure, the problems of solvency and rate of return cannot be simultaneously addressed. Everyone knows how to increase the system's solvency: Implement a politically unpalatable combination of increased taxes and reduced benefits. But to do this would make Social Security an even rawer deal for those toiling to pay its taxes. Doing the reverse—reducing taxes and raising benefits—would increase the rate of return. But the system's solvency would slip away.

The only way out of this bind is to make the system's assets work harder. And the only way to make the system's assets work harder is for it to actually accumulate assets. As Sen. Phil Gramm (R-Texas) quipped at a Heritage Foundation luncheon, "You cannot set up a wealth-based system without wealth." There are many ways for the Social Security system to begin to rely on wealth, some better than others, some downright dangerous, and all requiring legislative change.

There are three general approaches to fund the system with real assets. One is to maintain the structure of the current system but have its administrators supplement the investment in government bonds with private securities. This is the preference of old-guard liberals such as Henry Aaron of the Brookings Institution. Writes Aaron: "If Congress wants to assure Social Security beneficiaries the same high returns on Social Security reserves that private securities yield, it need only instruct the managers of the trust funds to invest Security reserves in passively managed index funds containing private stocks and bonds."



MIKE LUCKOVICH

The perils of this approach are obvious. The risks of letting the federal government own a chunk of corporate America outweigh any return on the

investments.

The other two approaches fall under the heading of "two-tiered" systems, meaning that the basic government benefit would be accompanied by a private account. One two-tiered approach would maintain the primacy of the government benefit, while allowing individuals to supplement it with individually owned accounts. Another approach would put the system on the path to more complete privatization, structuring the accounts in such a way that over time the portion of benefits coming from private savings would replace the government benefit for all but the poorest Americans. At present, a consensus in Washington seems to be emerging around some sort of two-tiered approach, a remarkable shift from the days in which any structural change to Social Security was deemed a political impossibility.

Perhaps nothing marks the shift of the center more than the Social Security Solvency Act of 1998, introduced by Sens. Moynihan and Bob Kerrey (D-Neb.). In a speech delivered at Harvard's John F. Kennedy School of Government in March, Moynihan spoke of America's movement away from "government programs—'the nanny state'—towards individual enterprise, self-reliance, free markets." Explaining how a longtime social policy liberal could advocate a reform plan that included a private investment component, Moynihan reminded the audience that "the mother's pension of the progressive era, incorporated into the 1935 legislation, had vanished with scarcely a word of protest." Moynihan asked: "Will the old age pensions and survivors benefits disappear as well? What might once have seemed inconceivable is now somewhere between possible and probable."

The key to Moynihan's plan is that it would privatize a portion of Social Security with the hope of saving the entire system from privatization. The Moynihan-Kerrey plan, which is similar to a bipartisan and bicameral plan offered by Sens. Breaux and Judd Gregg (R-N.H.) and Reps. Jim Kolbe (R-Ariz.) and Charles Stenholm (D-Texas), addresses the system's solvency by increasing taxes and reducing benefits. Tax increases include broadening the amount of earnings on which Social Security taxes are paid, in-

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THE Public Interest

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creasing the payroll tax after 2024, taxing Social Security benefits like ordinary pensions, and forcing all newly hired state and local employees into the system. Among the chosen benefit reductions are increasing the retirement age and reducing future cost-of-living adjustments.

The plan addresses the rate of return by cutting the payroll tax by two percentage points immediately and allowing individuals to invest the money in private accounts. The Breaux-Kolbe plan differs from the Moynihan-Kerrey proposal most significantly in that the supplemental accounts are mandatory.

It's important to note that the approach embodied by the Moynihan-Kerrey plan seeks a permanent two-tier system. While 2 percent of one's income compounded over a lifetime amounts to a significant chunk of change, the savings account is designed to supplement the Social Security benefit, not replace it.

Contrast this approach with that of Sens. Gramm and Pete Domenici (R-N.M.). They have developed a two-tier plan that would allow individuals to invest three percentage points of their payroll tax in individual retirement accounts, leaving the other 9.4 percent to cover the costs of current retirees. As with the Moynihan-Kerrey plan, the government would guarantee a minimum benefit. But the goal of Gramm's plan is a fully funded system based on individually owned accounts. Over a period of 50 years, the portion of the payroll tax dedicated to private accounts would increase from 3 percent of payroll to 8.5 percent, as those already locked into the current system die. The government would always guarantee a minimum benefit no less than 120 percent of the current level. But if the economy performs at the historical average, few would have to rely on the government's safety net.

Not surprisingly, this approach is more popular in the House, where Reps. Nick Smith (R-Mich.), Mark Sanford (R-S.C.), Pete Sessions (R-Texas), and John Porter (R-Ill.) have introduced bills that would put the system on a glide path to privatization. Their plans, while falling in the same category as the Gramm-Domenici proposal, would carve out different amounts targeted for private investment, ranging from 2.8 percent in Smith's proposal to 10 percent in Porter's.

None of these plans is perfect. Daniel Mitchell of the Heritage Foundation and Ed Crane, president of the Cato Institute, criticize each of the Senate plans as too timid. Mitchell, who has studied Britain's two-tiered system, maintains that at least 5 percent of payroll must be deposited into private accounts for the system to work. Crane, who seems generally cranky with Congress, says at least 10 percent ought to go into private accounts.

A Social Security analyst from the Hill notes that the plans' numbers don't always support the sponsors' rosy claims. Moynihan's approach, after all, solves the solvency problem the old-fashioned way: by increasing taxes and lowering benefits. Gramm relies on the fictitious Social Security trust fund to solve what he calls the short-term "cash flow problem," otherwise known as transition costs.

Social Security reform is not likely to end the injustice of the system's coerced savings. But letting individuals invest a portion of their payroll taxes would be an important step in the right direction.

But another way of interpreting the proposals' moderation is the seriousness with which politicians are taking the issue, now that Social Security reform is a legislative possibility, rather than just an applause line in Republican after-dinner speeches. Gramm picked the 3 percent figure after analyzing two independent variables: the lowest amount of average payroll that a 22-year-old would need to invest to be fully self-supporting at retirement and the highest amount of average payroll that would be politically feasible to fund during the transition.

Gramm is upfront that funding the transition to his system, which would be 3 percent more expensive than the status quo in the short run, would come from three sources: the budget surplus, redirection of some corporate taxes, and 71 percent of the Social Security trust fund. "No one should think [this] is a free transition," warns Gramm. "[It] is going to require cutting spending or raising taxes or incurring debt in order to do it." The bottom line for Gramm, however, is that it is worth doing even if it is necessary to raise taxes to liquidate the trust fund, since funding the current system will also require tax increases. Says Gramm, "The benefits of the transition are so big, you would want to do it even if you had to fund every penny of it by raising taxes."

The Breaux-Kolbe plan too is designed to become law rather than please activists. When asked why his plan doesn't more aggressively move Social Security to a wealth-based system, Kolbe cites the political importance of retaining a government safety net. "When I started out, I was really [leaning] much more towards the Chilean, individual savings account," he says, referring to the much revered plan enacted by Chile in the early 1980s that is entirely based on mandatory savings. "But I realized politically it wasn't going to work."

At any rate, these plans are simply blueprints of possibilities. With congressional elections in November, nothing will happen until the next Congress. President Clinton, who promises to "fix the roof while the sun is shining," will sponsor a White House conference on Social Security reform in December. In January, he promises to huddle with congressional leaders to craft a passable plan.

Is Social Security reform likely to end the injustice of the system's coerced savings or bring riches to Americans in their golden years? No. But if it allows individuals a chance to invest a portion of their payroll taxes, it will take an important step in the right direction. What is more noteworthy is how far the center has shifted. Says Kolbe, "I've heard Dick Morris say on a couple of occasions that he told Clinton a couple months ago that his legacy would be Social Security."

Once again, the crafty political consultant may have whispered in the president's ear at an opportune time. Come 1999, there may just be a bipartisan deal working its way through Congress that will actually benefit us all. ◆

Michael W. Lynch (mlynch@reasondc.org) is Washington editor of REASON.

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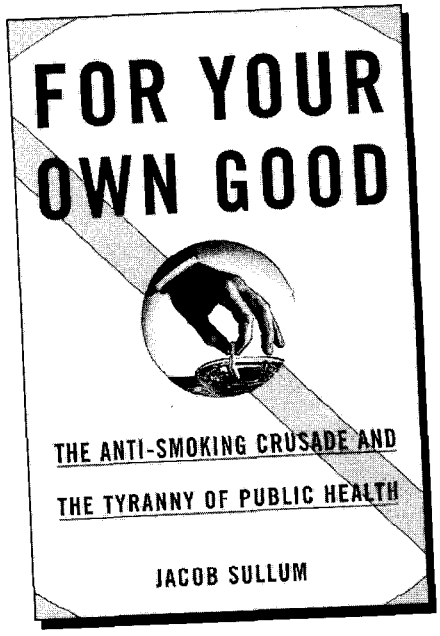

In ***For Your Own Good***, award-winning journalist Jacob Sullum examines the major themes of the anti-smoking movement, showing that tobacco's contemporary opponents echo complaints first expressed centuries ago. Today, under the banner of "public health," they say the government has a right and an obligation to eliminate tobacco consumption once and for all. Sullum argues that such a use of state power is illegitimate and dangerous, threatening the freedom of anyone who dares to trade longevity for pleasure.

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Not Enough Golf

How an employer's flextime policy led to a ruinous fight with federal regulators.

By James H. Dygert

On a Friday afternoon in October 1988, the telephone rang at Pierce Processing, a small engineering consulting company near Cincinnati. On the other end was an attorney with the U.S. Department of Labor.

At the time, company owner William Pierce had built his five-year-old firm into an organization of 40 engineers and designers earning up to $70,000 a year. The company had offices in Louisville and Detroit as well as Cincinnati, contracts with Procter & Gamble and other *Fortune* 500 companies, and annual revenue of $1.7 million. Pierce was planning to buy the building where his company was headquartered.

Today, Pierce has been out of business since 1993, the same year he and his wife lost their $375,000 home to foreclosure. He's more than $100,000 in debt, owns no property to speak of, and has no bank account, lest the federal government or unpaid business creditors seize any money he puts into it. He has surrendered several patents because he could not pay the maintenance fees.

Pierce, his wife, Janet, and their three children live in a small home owned by his mother. He drives a 1988 automobile with 190,000 miles on its odometer. He can't get a job as an engineer, so he teaches math at a private high school for about one-fifth of what he once made. He is constantly getting phone calls from creditors, and he worries that his 17-year-old daughter will not get a college education because his credit rating is so bad that he can't co-sign for a student loan.

All due to events set in motion by that phone call. What crime did Bill Pierce commit to bring upon himself such punishment? He let his employees take a few hours off from work to play golf, go fishing, or tend to personal chores. If they did not claim the hours as vacation time or make them up later in the two-week pay period, he made deductions from their paychecks.

Although experts in employment law and personnel managers at big companies today know that docking salaried employees in such situations is a no-no, it was not widely known in 1988, because the DOL had not yet disseminated information about this interpretation of the law. Pierce had no way of knowing his policy violated DOL regulations. He assumed that arranging for time off was a matter to be resolved between him and his employees. It was a dangerous assumption.

What crime did Bill Pierce commit that brought on a vindictive investigation by the U.S. Department of Labor? He let his employees take a few hours off from work to play golf, go fishing, or tend to personal chores.

On the phone that day was Kenneth Walton, a DOL attorney who asked Pierce if he was "ready to negotiate." Puzzled, Pierce asked, "What do you mean?"

Four months earlier in May, a DOL compliance officer named Sara Cazel had conducted a three-day audit of company records covering a two-year period. Cazel later testified that the audit was prompted by a complaint, a fact she had not disclosed to Pierce. After Cazel completed her audit, Pierce received no notice from the department about audit filings until Walton's phone call.

"Well, if you're not willing to negotiate," said Walton, "we'll just file a lawsuit."

"Don't I have a right to know what I did wrong?" Pierce asked.

"Yes."

"Well, can't you tell me?"

"Not if you're not willing to negotiate," said Walton. "I'll let the court system tell you what you did wrong."

Walton finally let Pierce have 10 days to arrange a meeting with DOL officials in Cincinnati, and he promised to mail him a copy of the audit report. What Pierce received from Walton, however, was just a notice that he owed $21,254, with no details.

He soon learned from department officials that the DOL objected to his company's flextime policy for salaried employees. In court documents, Walton acknowledged that Pierce's employees voluntarily took time off for "golf, fishing and flying model airplanes, as well as family and personal needs." But DOL officials said that by deducting money from their paychecks when they did not make up the time, Pierce was treating them like hourly workers instead of salaried employees. The DOL said the illegal deductions totaled $3,100.

Because of the deductions, Pierce was told, his employees could not be considered salaried, so he owed them $21,254 in unpaid overtime. Even though Pierce had classified his employees as salaried, his company had paid about $40,000 in overtime during the audit period—but at a straight hourly rate rather than time and a half. What he owed, said the DOL, was the total he should have paid minus the $40,000 he had paid.

When Pierce first discussed the problem with his attorney, they both believed it would be easily resolved. They were wrong. Says Pierce, "It's astonishing that such a minor little thing, such a trifle, could end up turning into such needless and unwarranted litigation and this bizarre experience, this monstrosity."

The Better Government Bureau, a citizens group based in Canton, Ohio, agrees. "It is hard to believe that what happened to Bill could happen in America," it said in its newsletter. "Idiotic rules and overzealous regulators have nearly ruined Bill's

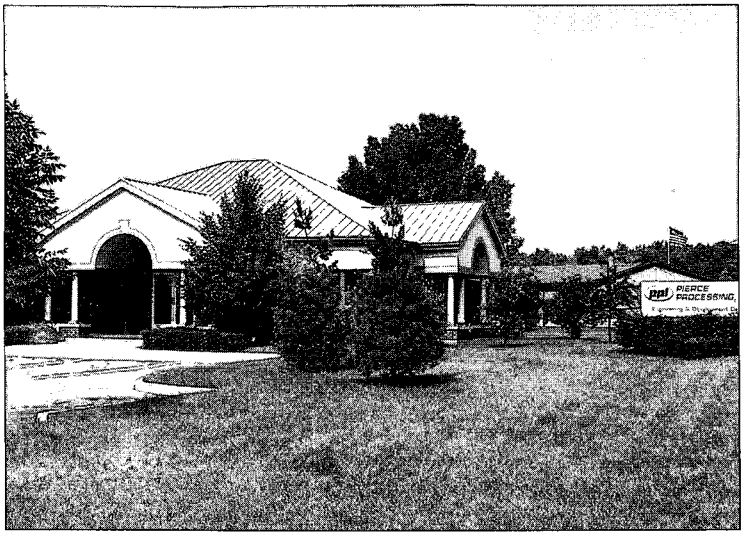
life....Bill's crime? He allowed his employees to pick and choose their own work schedule." *The Cincinnati Enquirer* called the case "an American horror story" that shows how federal regulations and litigation "can unjustly crush citizens, destroy businesses and kill jobs."

As Pierce learned more about DOL regulations, he discovered how bizarre and byzantine they can be. He found that he could have avoided a violation if his employees had taken an entire day off rather than part of a day. "If an employee is absent for a day or longer to handle personal affairs," the regulations say, "his salaried status will not be affected if deductions are made from his salary for such absences." In a sense, then, what Pierce did wrong was failing to insist that the golfers take the whole day off instead of just three hours.

Another thing Pierce shouldn't have done, it turned out, was to be so meticulous in his records of actual hours worked. He did this to avoid billing his clients for time when his employees had gone golfing or fishing. It was in his billing records, not in his payroll records, where Sara Cazel found the information on which the DOL based its claims.

In the lawsuit that it filed against Pierce in January 1989, the DOL alleged that he had willfully violated the Fair Labor Standards Act. The lawsuit said Pierce's willfulness increased the total amount he owed, including penalties and double damages, to nearly $50,000.

Pierce and his lawyer tried to reach a settlement with the DOL. They cited a "window of correction" in the regulations: "Where a deduction is inadvertent...the [salary basis] exemption will not be considered to have been lost if the employer reimburses the employee for such deductions and promises to comply in the future." Pierce offered to settle the case by reimbursing employees the $3,100 that the DOL claimed had been improperly deducted. He said his company had already changed its flextime policy to be in compliance.



Labor Pains: Pierce Processing went under in 1993, the same year Bill Pierce lost his home. He continues to fight the Department of Labor in court.

COURTESY WILLIAM PIERCE

The DOL would not budge, insisting on payment of the full amount based on the allegation of willfulness. Yet moments after Pierce's trial in U.S. District Court began in February 1992, Walton told the judge, "We made an allegation of a willful violation in this particular case, and we're withdrawing that allegation." He gave no explanation.

By that time—more than three years after Walton's phone call—Pierce Processing was on the brink of collapse. During 1991, annual revenue plunged almost 60 percent. The main reason for the precipitous decline, says Pierce, was the time the case forced him to be away from his business: hundreds of hours to research records and make calculations for replies to lengthy interrogatories from DOL attorneys. He was the company's entire marketing and business development department, and had little time left for that job.

Business expenses were not declining, however, and the company was still obligated under office rental, equipment lease, and business loan contracts. Pierce was taking little pay, often none at all, and had begun to lay off employees. He now realizes he kept some on the payroll too long. "I tried to keep the business going and keep the employees," he says, "but I held on longer than I should have."

In March 1992 U.S. Magistrate Jack Sherman ruled that Pierce could meet labor department requirements by reimbursing employees for the $3,100 in deductions, as he had repeatedly offered to do. Sherman disagreed with the DOL's contention that Pierce's deductions meant that his employees could not be considered salaried. "All other aspects of this case," he said, "point to a situation in which the employer intended...to operate within the letter and spirit of the Act."

At that point, however, Pierce was in such financial distress that he could not scrape together the $3,100. Nor could he borrow it through normal channels. In February 1993, with reimbursement still unpaid, Sherman reversed his ruling. His judgment was for $10,842, plus court costs. (Part of the overtime amount was dropped due to a time limit.)

Thousands of dollars in debt to his attorney, Pierce decided to continue the fight on his own—even though there was nothing for him to win except vindication. His business and house were gone, and he was deep in debt. The chance of recovering damages from the government was remote. Yet he continued to file appeals, and he still has not given up.

In retrospect, Pierce acknowledges that it might have been prudent to file for bankruptcy or to try borrowing the $3,100 from a relative or friend to pay the judgment and end the case. As for bankruptcy, he says, "I don't believe in doing things that way. I've kept in touch with my creditors about my intentions to pay them as soon as I can, and most of them are cooperative and understanding."

As for his fight: "I'm enough of a Don Quixote to believe I'm going to beat that windmill. If you just roll over dead, you just encourage the government to keep running over people. If I don't win, they may go after other small companies, too. But I'm committed to win, to prove that there really is liberty and justice for all in this country." ◆

James H. Dygert (jdyg@aol.com) is the editor and publisher of Suburban Press *and* West Chester Press, *weekly newspapers serving suburbs of Cincinnati.*

Vapor Lock

Environmental regulators target diesel emissions.

By Kenneth Green

Diesel emissions, the fumes voted least likely to become a Glade air freshener, have come to the attention of environmental regulators. Guess what? The regulators don't like them. In fact, the regulators dislike them so much that they're working toward banning them altogether, though in greenspeak that's called "fostering the adoption of alternate fuels."

Touting recent findings that diesel emissions are YAC (Yet Another Carcinogen), several groups in California—a state that has consistently set national environmental trends—have stepped up their efforts to eliminate the use of diesel fuels. In the northern part of the state, the California Air Resources Board, the agency responsible for regulating the state's air quality, is pondering whether to declare diesel emissions a "toxic threat." In Southern California, state Attorney General Dan Lungren (who just happens to be the Republican nominee in this fall's race for governor) has joined with four environmental groups to sue area supermarkets for endangering people's health by having all that health-preserving food delivered via health-infringing diesel trucks.

These efforts in California may well serve as the prelude to a nationwide campaign: Diesel emissions are targeted by the U.S. Environmental Protection Agency, which is implementing new regulations against particulate emissions. (See "Polluted Science," August/September 1997.) And the Natural Resources Defense Council has hosted photo-ops in California and New York City, highlighting the presumed health risks of exposure to diesel fumes.

Granted, diesel emissions are noxious. Granted, too, that the small particles in the fumes are lung irritants. And granted, they are probably carcinogenic. The question is, other than scaring people half to death, what should we do about the fumes? Few pollutants are "pure risks"—that is, solely toxic and life destroying. Most are somehow bound up in the production of goods and services that provide real benefits to people. Although utopian environmentalists hate to talk about trade-offs and cost-benefit analyses, the proper regulatory framework is to consider risk in relative terms: After counting up the good, the bad, and the ugly effects of a given substance, will eliminating it cause more harm than good?

Efforts in California to regulate diesel emissions may well serve as the prelude to a nationwide campaign: The U.S. Environmental Protection Agency has targeted diesel fumes as part of its new regulations against particulate emissions. And the Natural Resources Defense Council has hosted photo-ops in California and New York City, highlighting the presumed health risks of diesel exposure.

So the diesel health risk needs to be put in perspective. Though hotly—and unsurprisingly—disputed by the trucking industry, the most recent credible estimate of diesel lethality is a lifetime probability of 450 lung cancers for every 1 million people casually exposed (those persons who aren't, say, truck drivers, diesel mechanics, or otherwise frequently exposed to diesel emissions as part of their jobs). Taking that at face value, simple math implies that of roughly 250 million Americans alive today, 112,500 people will eventually die from a disease that is somehow related to exposure to diesel emissions. That's not a small number. But assuming that the deaths are distributed evenly throughout an average lifespan of 72 years, that's 1,562 deaths per year. Not a small number either, but not even a contender in comparison with other avoidable causes of death.

In 1995 alone, according to the National Center for Health Statistics, over 700,000 people died from heart disease; 158,000 died from strokes; 90,000 died from accidents; 84,000 from pneumonia and flu; 43,000 from AIDS; 31,000 from suicide; and 25,000 from chronic liver disease and cirrhosis. In 1996, transportation accidents alone claimed over 44,000 lives, while prostate cancer claimed 41,000.

So the health effects of exposure to diesel fumes, while significant, don't stack up against other, more significant risks. More important perhaps, while diesel emissions might be noxious and unhealthy, the use of diesel fuel brings with it considerable benefits. Through its role in bringing lower-cost goods and services to market, it has considerable health-affirming effects that must be factored into any analysis. We know, after all, that the biggest health-nurturing features of our economic system are dependent on lower costs: Access to a broad range of healthful foods, sophisticated medical care, cleanup of truly toxic environmental contaminants, and investment in high-return improvements like automobile safety are linked to maintaining a robust economy.

Hence, before banning diesel out of hand, we need to assess what might replace it. Diesel engines are the primary choice in trucking, rail, and inland marine transport for very good reasons: They are highly efficient, and the fuel is less expensive than other types, especially in terms of efficient movement of mass. Diesel trucks in particular move a lot of mass and bring a lot of services out to consumers. Trucks carry 90 percent of all goods by value and 67 percent by weight. Raw materials are

Keep On Truckin': Diesel engines are the primary choice in trucking, rail, and inland marine transport for very good reasons. They are highly efficient, and the fuel is less expensive than other types. Trucks carry 90 percent of all goods by value and 67 percent by weight.

moved an average of seven times by truck before they're offered for sale.

Diesel engines are also easy to maintain and durable, which means they have a long life. The diesel engines in today's newer trucks were purchased with the expectation of amortizing their costs over a 35-to-40-year life. Given all of these advantages, and the pervasiveness of diesel-fueled trucks, any attempt to make rapid or large-scale changes in the use of diesel fuel in trucking will have serious ramifications for the cost of goods and services.

Still, switching fuels is the favored solution in the environmental advocacy community, which portrays substitution as a feasible option. Such optimism is not borne out by the facts. Gasoline, the most readily available alternative to diesel fuel, presents exactly the same emissions problems for which diesel is damned. In addition, diesel engines are almost twice as efficient as gasoline engines, and diesel fuel is less likely to catch fire. Gasoline engines also have shorter lifespans and higher maintenance costs than their diesel counterparts. Finally, diesel engines actually put out less of the ballyhooed greenhouse gases—hydrocarbons and carbon dioxide—than gasoline engines.

Compressed natural gas, the second most readily available alternative fuel that is suitable for both new engines and retrofitted older engines, is several times less efficient than diesel and several times more expensive, and it involves higher engine maintenance costs. It also puts out higher levels of hydrocarbons and carbon dioxide than diesel engines. Additionally, the infrastructure is nowhere near ready to dispense the mass of fuel needed as a replacement for the entire fleet of diesel trucks currently in use.

The other major alternative is hydrogen-powered fuel cells, the darling technology of industrial policy technocrats. All estimates agree, however, that, despite the production of a few very costly and marginally performing demonstration buses, we're decades away from their being viable replacements for any kind of internal combustion engine.

Beyond the efficacy of switching fuels, there's a regional question that needs to be considered: The federal government has already shown that it's unwilling to elevate diesel fuel to public enemy status at the national level. Will California impose a standard only on trucks that travel through California? What will that do to the cost of California goods and services, compared to those in other states? How will that affect California's recovering but periodically fragile economy?

The bottom line on eliminating diesel fuel, then, must factor in answers to questions such as: Will increasing the cost of foods make us safer? Will forcing families to spend more on clothing, and by default, less on medical care, make them safer? What about state competitiveness? Is presenting the risk of diesel fuels to the public in an isolated and distorted manner truly in the public interest? Is it wise to set a process in motion that will cause a massive change to our shipping infrastructure, with equally massive changes to our health-nurturing economy, without considering the overall consequences?

And any discussion of the topic needs to acknowledge an important and ongoing development: There are ways to clean up diesel emissions, and those ways are already being adopted in response to public sentiment and existing air-quality regulations aimed at the nuisance factor for diesel trucks and buses. Modern diesel engines put out 95 percent less particulate pollution and 70 percent less nitrogen oxide emissions than did their 1970s forerunners. There are already technologies in the pipeline that will produce cleaner diesel engines; these include using reformulated fuels, new catalytic converters, and more advanced fuel-injection systems. The diesel problem is already going away.

Rather than trying to scare, sue, and regulate our society into a stampede toward untested and utopian technologies, regulators, public health advocates, and technocrats would serve the public far better by taking more care with our risk reduction investments, by targeting the biggest risks first, by addressing only those risks that can reap the "benefits of scale" that broad-brush governmental risk reduction relies upon, and by otherwise allowing the basic process of industrialization to work. After all, that process results in more-efficient fuel use and fewer emissions over time.

Indeed, though the credit won't belong to environmental regulators, it's a safe bet they'll claim the eventual emission reductions as their own. Their constituencies will be happy, and the forces of the market will ensure that the amelioration of yet another relatively low-level risk is done incrementally, efficiently, and at a rate that the economy can absorb. ◆

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Unified Kvetch Theory

Got a problem? Blame "radical individualism."

By Walter Olson

In case you were wondering against whom the traditionalists' culture war was going to be waged, James Dobson and Gary Bauer are pleased to clarify matters. "STOP AND LISTEN, AMERICA," they demand in their co-signed full-page ad in the May 4 *Weekly Standard*, which plays off the Jonesboro, Arkansas, schoolyard massacre. "Are we surprised at the spectacle of children killing children?...Radical individualism is destroying us!"

That last is not a misprint: Among many of the nation's social conservatives, it's getting to be more like a slogan. "Radical individualism threatens to devour even America's children," says Diane Knippers, president of the Institute on Religion and Democracy, in a piece written before the shooting sprees. Watergate veteran Charles Colson, now a preacher who's described present-day America as groaning under an "amoral libertarian regime," warns against getting "suckered in by the radical individualism of American culture."

True, some found it a stretch for Dobson and Bauer to blame this year's string of schoolyard murders on an excess of radical individualism (with its reputedly related -isms of secularism and skepticism). Jonesboro, after all, had not exactly been famed as a hotbed of Rand-quoting individualist radicals, or even latte-drinking freethinkers. Like Pearl, Mississippi, and West Paducah, Kentucky, other towns hit with schoolyard killings, Jonesboro is located both physically and temperamentally in the Bible Belt. (Springfield, Oregon, and Edinboro, Pennsylvania, scenes of other shootings, were likewise no one's idea of stamping grounds for the secular elite.) Still, like Eleanor Roosevelt in her heyday, the nation's trads seemed determined to shift the blame for crime away from individual sociopaths and onto the social and cultural environment said to have shaped their psyches—a trend not dampened even by a rampage carried out by a Swiss Guard in Vatican City.

It's not happenstance that as terms such as *individualist, libertarian, choice,* and *autonomy* turn into epithets of abuse in many traditionalist circles, many of these same circles are turning a friendlier ear to proposals for state intervention in the economy. Pat Buchanan, of course, has long since departed the free market reservation. Gary Bauer made headlines by deriding the "free-trade mantra," rhetorically assailing Wall Street and big business, playing footsie with unions in their efforts to curtail U.S. firms' use of low-wage labor abroad, and, perhaps most damaging in practice, blasting reformers' plans to privatize Social Security. In *Commentary*, William Bennett and John DiIulio call for making peace with big government, while in *The Wall Street Journal* Bennett deplores the "idolatry of the market" and complains that the options offered by "unbridled capitalism" are the enemy of "values and human relationships." ("Well, yes," replied syndicated columnist Steve Chapman. "They're the enemy of authoritarian values and coercive relationships.")

"Over the past five or six years," as David Frum has summed it up, "social and religious conservatives have taken gleeful pleasure in an increasingly emphatic rejection of free markets and limited government." This is very newsy in one sense, but in another it's also unsurprising. What did we expect would happen? How long was fascination with individualist economics supposed to last in a movement shaped on a deeper philosophical level by scorn for individual self-interest and for the individual capacity for reason and self-government? How secure are property rights likely to be in a movement whose rhetoric so often deprecates the very concept of rights, as opposed to seeking to distinguish genuine from spuriously asserted rights, and to uphold the former with vigor?

The influential religious-traditionalist magazine *First Things* generally maintains a studied silence about matters economic, except for the important task of diminishing the importance of those matters in the wider scheme of things. But its wider philosophic stance is unmistakable. Editor Richard John Neuhaus writes with scorn of the "notion of the unburdened, unencumbered, autonomous self," while a January 1998 book review offers a notably unsympathetic account of the liberal ideal of "autonomy—the idea that the imperial self is to be the sole arbiter of its destiny....But why should the increase of autonomy lead to the diminishment of evil, as liberals claim? It would only do so were we to understand human nature, in the manner of Rousseau, to be intrinsically good [whereas experience teaches that it's a mix of good and evil]. To increase human autonomy is therefore to increase the human capacity for evil; to rein in evil might require reining in human autonomy."

What, I keep wondering, would traditionalist polemicists do without Rousseau as a scarecrow? In 25 years of acquaintance with classical liberals and modern libertarians, I've yet to meet one who asserted the perfectability of human nature or viewed children as inherently good until corrupted by contact with society. (Indeed, it's Dobson and Bauer who seem implicitly to be assuming the latter. Else, why not admit, in discussing the school shootings, that some kids seem to grow up evil no matter how benign their environment?) Most classical liberals invoke the corruptibility of human nature precisely as a reason not to entrust some persons with coercive power over others. But apparently we're not meant to turn around the reviewer's last sentence so that it reads: "To increase the human power to coerce others is therefore to increase the human capacity for evil; to rein in evil might require reining in the extent to which people can coerce others."

After a while, this literature all begins to blur together: the funhouse caricatures of supposed libertarian precepts-cum-character flaws ("atomism," materialism,

"moral relativism," hedonism—the first two perhaps characteristic of some but not other libertarians' views, the latter two absurd as applied to the great majority); the relentless use of loaded terminology, with "gratification" and "self-actualization" the favored new pejoratives for happiness or self-betterment when pursued along unapproved lines, and "expressive individualism" the preferred sly trivialization of the ambition to shape one's own life rather than accept a hand dealt by others—as if the chance to choose where one lives or who one marries, the wish to live in a society with open horizons rather than one of conscription and regimentation, were on the same level with the taking up of finger-painting as a lark—self-expression, you know.

Then there's the tendency to conflate libertarianism with other viewpoints and social phenomena whose only apparent common theme is that traditionalist commentators dislike them too. Thus the libertarian impulse is seen as somehow an outgrowth of '60s liberationism (tell that to Rand or Hazlitt or Hayek), which is connected to changes in sex roles, which is really part of the same trend as Darwinism and undue confidence in science, which of course has a lot to do with disrespect for religion in the public square, and so on. Thus a wide variety of odiums rub off mutually, some of which, like "economism" and "hedonism," might otherwise be thought unlikely to coexist in a single culprit. But the cue, it seems, is taken from the description of heaven in the old hymn, "There'll Be No Distinction There."

On a practical level, as some on the other side well realize, the issue keeps getting back to coercion. "What would the response be from an ACLU lawyer [to your censorship proposals]?" asked Michael Cromartie of Robert Bork in an interview published last year in *Christianity Today*. Replied Bork, "'You are inhibiting my liberty and my right to express myself.' And the answer to that is yes, that is precisely what we are after." Well, we can't say we weren't warned.

In her book *The Divorce Culture*, soft-communitarian Barbara Dafoe Whitehead calls for "a vision of the obligated self, voluntarily bound to a set of roles, duties, and responsibilities and of a nation where sacrifice for the next generation guides adult ambitions and purposes." Reasonably innocuous, you might think—and in fact entirely too innocuous for Anne Roche Muggeridge, who, reviewing the book for *The Wall Street Journal*, upbraided Whitehead precisely for her concession to the concept of voluntariness. "The very phrase 'obligated self,'" declared Muggeridge, "breathes contradiction when it lies outside a tradition—and a legal order—that *imposes* duties on us. (How can we be 'voluntarily bound' to anything?)"

Start with the premise that coercion is a positive moral good, and it's unlikely your eventual favorite policy book is going to turn out to be Milton and Rose Friedman's *Free to Choose*. And so the logic of individualism-loathing keeps naturally

Like Eleanor Roosevelt in her heyday, the nation's traditionalists seemed determined to shift the blame for crime away from individual sociopaths and onto the social and cultural environment said to have shaped their psyches.

beckoning trads into closer cooperation with figures to their left. It might start with a polite hearing for a centrist like Glenn Loury, who writes in *The New Republic* that "religious traditionalists rightly decry" such cultural problems as "radical individualism, moral relativism, and materialism." Before long one has moved on to stronger stuff, such as the key communitarian text *Habits of the Heart*, by veteran left-labor academic Robert Bellah, et al. Free market opponent Robert Kuttner has picked up the patois like a native. Calling America "a social desert of radical individualism, whose credo might as well be 'everyone for himself,'" Kuttner calls for "oases of broader values," by which he really means a revival of labor unions.

Which still leaves the tantalizing question for traditionalist thinkers: Is there some underlying, systemic problem afoot in the world of which all the little surface problems—from contraception to economism, from medical marijuana to the abolition of compulsory chapel at universities, from MTV to Darwinism, from modern art to the existence of this magazine—are really just different manifestations? The search for a Unified Kvetch Theory took a detour when one or two well-known writers suggested that the common theme among all the different manifestations of modernism was that they were all *antinomian*, which sent everyone scurrying to their dictionaries.

Historically, the term applied to various religious enthusiasts who believed ordinary precepts of morality no longer applied to persons like themselves who were carrying out God's aims. (David Hume on Puritan-era factions: "The Antinomians even insisted that the obligations of morality and natural law were suspended, and that the elect, guided by an internal principle more perfect and divine, were superior to the beggarly elements of justice and humanity.") Very freely translated in recent conservative writings, the term refers to the supposed tendency of moderns to believe that if your social-political views are advanced enough, you're entitled to whatever you feel like without reproach—an easy position to attack, the sole inconvenience being that remarkably few people actually hold it. Disagreeing with biblical-literalist notions of morality does not an antinomian make.

"Antinomianism" didn't catch on as an all-purpose explainer, but now, as we see, "radical individualism" is pulling up fast on the outside. At least most of the population has some inkling as to what it means, if not a very clear one (which may be the point). It saves the debate from having to rest, at least yet, on explicitly theological grounds. And it can be pressed into service to explain almost anything. People are always—the nerve of them—doing something different from what we have instructed them to do; and every time they disobey they have subordinated their real duty, which we have pointed out to them, to their selfish desire to have their own way.

There's too much human liberty in the world—for all those other people, that is. Yes, it's a theory with real potential. ◆

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Packing Heat

By Daniel D. Polsby

More Guns, Less Crime: Understanding Crime and Gun Control Laws, by John R. Lott Jr., Chicago: University of Chicago Press, 225 pages, $23.00

About half the U.S. population lives in one of the 31 states with relatively permissive laws regulating who may carry a concealed firearm. These states range from northern New England (Maine, New Hampshire, Vermont) to the deep South (Mississippi, Alabama, Georgia, Florida), the Piedmont (Virginia, North Carolina) to the Southwest (Oklahoma, Texas), the upper Midwest (the Dakotas) to the Pacific Northwest (Washington). They include urban states (Pennsylvania), suburban states (Connecticut), rural states (West Virginia and Montana), and everything in between. The other half of America's people live in jurisdictions like New York, where access to concealed-carry permits is limited to those who can demonstrate a specific need for potentially deadly self-protection, or Illinois, where no one other than peace officers may carry a gun.

A massive natural experiment is thus under way, one that will ultimately tell us whether liberal gun carrying laws are good or bad policy. The early results are striking. It can no longer be seriously argued that relaxing the rules against concealed carrying of handguns is an invitation to violence, to bloody shootouts over fender-benders or football games. That sort of thing, always rare, is essentially absent from crime statistics, no matter what a state's rules concerning who may carry a gun in public. What's more, it is beginning to look as though, when a state authorizes private persons to carry handguns, it takes an important step toward suppressing serious crime.

What is at issue in gun control debates is people's (mostly untutored) intuitions about which of two conflicting theories of human behavior has the upper hand in the real world. The first of these theories, sometimes called the "instrumentality theory" of lethal outcomes, holds that when firearms are more readily available, offenses such as armed robbery and murder—and impulsive homicides especially—should increase because guns make it easier to commit crimes.

The opposite theory is that of "general deterrence," which can be summed up in one phrase: more guns, less crime. That, not coincidentally, is the title of an important new book by one of America's most resourceful and fearless econometricians, John Lott, who for the last several years has been the John M. Olin Visiting Fellow in Law and Economics at the University of Chicago Law School.

The theory that more guns means more crime enjoys something of a monopoly among the news media and Washington's intellectual establishment. One might as well believe in flying saucers as doubt the proposition that schoolyard massacres are "caused" by America's sick affair with the gun.

Each of these theories captures a certain amount of reality. We know, for example, that x number of impulsive homicides would not occur in a gun-free world. On the other hand, we also know that the prospect of meeting armed resistance changes the calculations of human actors, whether they intend good or mischief. That is why we insist that Brinks guards, soldiers, and Secret Service agents carry guns. We recognize that if they did not, their ability to deter predators would shrink or, in some cases, altogether disappear. To know what firearms policy to pursue, one has to know which of these tendencies dominates the other. Like so many other questions with a seemingly ideological leading edge, this one, at bottom, turns out to be empirical.

For many years the public debate about which theory to credit was carried out either by a priori reasoning or, worse, through weak and often tendentious small-scale studies, many of them sponsored by openly results-oriented grantors at the U.S. Centers for Disease Control and Prevention. Almost all of these studies, if one may call them that, affirmed that guns were a "public health" hazard that was spreading by leaps and bounds, the outstanding "risk factor" for suicide and murder. *The New England Journal of Medicine*, in particular, has specialized in publishing such regrettable stuff, commonly complementing it with overwrought editorials calling upon Americans for God's sake at last to surrender their guns.

The instrumentality theory enjoys something of a monopoly among the news media and is a veritable litmus test for membership in Washington's intellectual establishment. One might as well believe in flying saucers as doubt the proposition that schoolyard massacres are "caused" by America's sick love affair with the gun. Congressional Democrats (to say nothing of the executive branch) are close to unanimous on this; but Republicans—of the sort who long to be labeled "sensible" or "pragmatic" in newspaper editorials, from Richard Nixon to George Bush—think so too. Practically every gun control initiative of the last 30 years, including the Brady Act and the 1994 "assault weapons" ban, has been based on the premise that restricting the supply of firearms and thereby raising their price should reduce violent crime rates.

Every bit of this, we now know, has been wrongheaded and perverse. Since 1977, the U.S. Department of Justice has

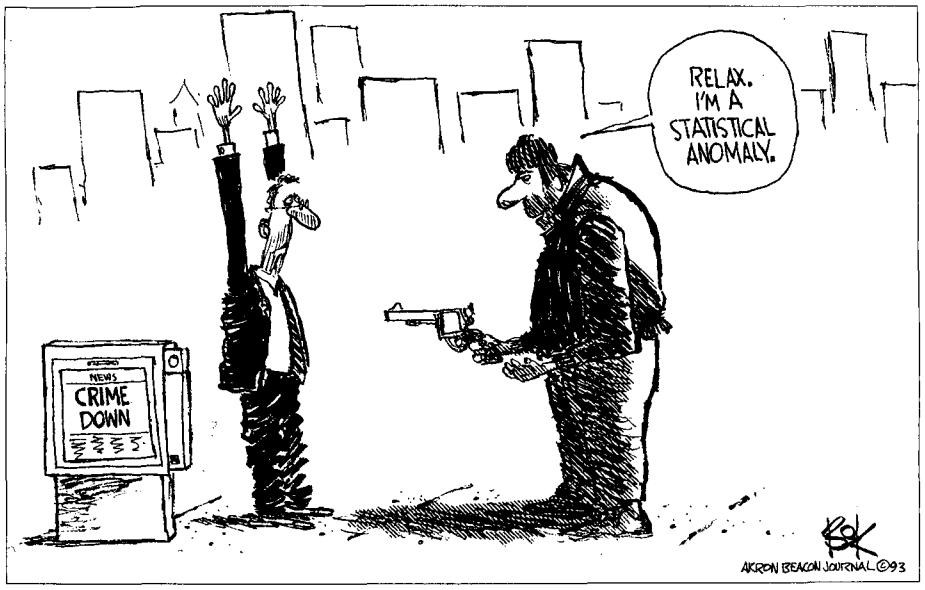
kept statistics on the most serious crimes (such as murder, rape, and robbery) in the 3,054 counties of the United States. In 1997 Lott and his collaborator, David Mustard (who was then a University of Chicago graduate student and is now a professor of economics at the University of Georgia), published an analysis of these data, the largest econometric study of crime and violence ever done, in *The Journal of Legal Studies.*

Their electrifying conclusion was that liberalizing concealed-carry laws drives down rates of confrontational crime, with the effect most pronounced in the counties where the problem of criminal violence is worst. Apparently, when more people are on the streets packing heat, criminals tend to redirect their predatory activities into lines where they are less apt to meet armed resistance. The results of the Lott-Mustard study, updated by several years and amplified by the analysis of additional variables, are the core of *More Guns, Less Crime.*

Postwar American crime rates peaked around 1979 and have been declining ever since. In most counties the decline has been steady. In the most populous cities, a short but intense murder wave, linked to crack cocaine markets and the war on drugs, complicated the picture from 1984 through 1992. Most states that have relaxed their concealed-carry laws have done so in the last 12 years, a period when violent crime was decreasing generally, though it may have been rising locally.

The resulting picture is a decidedly complicated one that makes analysis difficult. How can one know, for example, that a state's falling murder rate can be attributed to changes in its weapons laws rather than something else? Lott devotes an entire chapter to explaining the statistical techniques he used, combining cross-sectional data (comparing crime rates in different places during the same period) and time-series data (looking at how crime rates in a given place change over time).

One of the most fascinating aspects of *More Guns, Less Crime* is the story it tells of the firestorm that the Lott-Mustard paper set off. Lott seems bewildered by it still, though it makes as much sense as the theologians' condemnation of Galileo or Darwin. In our culture, results that come wrapped in the aura of science carry a special weight (which is why junk science is a preferred idiom of discourse among political interest groups). Lott seems to have thought that his work would merely shed some light on an issue of public policy. He underestimated the extent to which it challenged the worldview of an entrenched and self-satisfied political elite.



The organized hatred of guns coordinates an impressive amount of political energy in contemporary Washington. For ideological noncombatants like President Clinton, gun control is a low-cost program that conspicuously positions one on the right side of the crime issue. This is especially useful for Democrats, who for a generation had managed unerringly to position themselves on the wrong side.

Gun control suits liberals, who can flatter their interest groups by affirming that the locus of modern evil is not bad people but the bad objects that "society" puts in their way. It tickles feminist sensibilities because, as a Alana Bassin recently wrote in the *Hastings Women's Law Journal,* guns are phallic, hence patriarchal, hence evil—and ripping phallic objects away from those who cling to them is, after all, the central purpose of life. It inspires communitarians, because armed individuals are so easily portrayed as slack-jawed Archie Bunkers who, as Mario Cuomo once commented in an unguarded moment, drink too much and beat their wives. Watch MTV or Comedy Central, and you can see how contempt for guns and hunters becomes a way for hip, quick-witted city folks to celebrate their superiority over their cloddish country cousins.

Lott's work calls all this into question. It does more than advance discussion; it smashes idols.

The response to the publication of the Lott-Mustard paper was instantaneous and noisy. The critics declared not simply that their methodology was "flawed," as a staff member of the Violence Policy Center who had never laid eyes on the paper whispered to the newspapers. They insisted that the work was actually dishonest, like the pseudoscientific chaff that used to be put out by the Tobacco Institute—because, as Rep. Charles Schumer (D-N.Y.) told reporters, Lott was a hireling of firearms manufacturers. He was on the payroll of the Olin Corporation, the company that manufactures the notorious Winchester Black Talon bullet, a spokeswoman of the Violence Policy Center helpfully added.

The basis for this charge, which many newspapers repeated without comment, was that Lott's University of Chicago fellowship was endowed by the Olin Foundation. The foundation—which endows fellowships and professorships at many universities, including Oxford, Harvard, Yale, and Stanford as well as the University of Chicago—is distinct from the Olin Corporation, a chemical company that, among many other things, manufactures Winchester ammunition. The recipient of the foundation's largess was the University of Chicago, not Lott, who was selected by a law school faculty committee. Universities routinely accept money from founda-

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tions endowed by people who got rich selling tobacco, demon rum, fatty foods, even the delivery systems for thermonuclear bombs, but ideological strings on such money are seldom proposed and never accepted.

There have been a few responsible criticisms of Lott's work. In particular, a critical paper by economists Dan Black of the University of Kentucky and Daniel Nagin of Carnegie-Mellon University raised the question of whether Lott's results are driven by a selection bias in his data. One of the strengths of this book is Lott's patient refutation of every responsible criticism. His relentless counterattack on Black and Nagin is a model for academic debate. One would like to see Lott's critics respond to his refutations as specifically and in as much detail as he has answered them.

What sort of public policy do Lott's findings point to? Would the world really be better off with everybody packing heat? Well, the Lott data do not say "everybody." In fact, it appears that something like 1 percent to 2 percent of a state's population will get a concealed-carry license if given the opportunity to do so.

It is hard to be certain of the exact numbers (because, for instance, some states freely issue carry permits to nonresidents), and in any case we do not know how possessing a permit affects the actual carrying of firearms. But one cannot reason that, because a legal regime that inspires 1 or 2 percent of the population to get a carry permit does not increase but actually decreases murders, rapes, and other confrontational crimes, a legal regime that would inspire 10 or 20 percent of the population to get licenses would be similarly benign.

For all we know (and as Lott recognizes), the first 100,000 or 200,000 people who go for the permit may be significantly more law-abiding and punctilious than the next cohort of permit seekers would be. If so, it is entirely possible that the often predicted "OK Corral" scenarios that have yet to materialize may simply lie a bit further out on the experience curve. There is ample room for states to display caution and common sense before following the lead of Vermont, which allows any adult not specifically disqualified by law to pack a gun, without even getting a permit. But after a few more years of experience have accumulated—after the massive natural experiment with firearms and crime has run its course—if the Lott results are repeated, it is hard to see how the conventional wisdom about guns could possibly survive. Five or six years from now, we'll know.

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Long-Term Partnership: In their memoir, Rose and Milton Friedman chart their personal and intellectual growth from the 1910s through century's end.

Lucky Pair

By David R. Henderson

Two Lucky People, by Milton and Rose D. Friedman, Chicago: University of Chicago Press, 647 pages, $35.00

I've been a fan of Milton Friedman since age 17, when, fresh from reading Ayn Rand, I ran across a *Newsweek* column of his titled, "The Public Be Damned." Friedman, then a University of Chicago economist, wasn't writing about robber barons. It was the U.S. Post Office, he argued, that was damning the public; he advocated ending its legal monopoly. After reading every past Friedman column I could find, I was hooked. Here was a guy who wrote and thought clearly about economic freedom and, at the same time, was not a fringe player. He convinced me by example that one could be an advocate for freedom and still be part of mainstream society.

The next summer I worked in a mine in northern Canada, and I sometimes hitchhiked 80 miles round-trip to get the latest *Newsweek* containing Friedman's column. When I was 19, I knocked on his campus door, and he visited with me for 15 minutes, giving me some fatherly career advice. Now Milton and his economist wife and sometime co-author, Rose, have completed their memoirs, *Two Lucky People.* (Some of the book's sections are attributed to Milton, some to Rose, and some to both.) I have been awaiting *Two Lucky People* eagerly since 1990, when Milton first told me about it. It was with real anticipation that I opened the book to page one.

That was a mistake. As much as I love and appreciate both Friedmans, I found their recollections of their early life uninteresting. Disappointed, I put the book aside. But a few weeks later, I turned to the chapters on the 1960s. The Friedmans' stories about the '60s were fascinating. I jumped to the next interesting-sounding part, about the University of Chicago, then to their time in Washington during the war, and so on until finally I had read the entire book and even found myself wishing for more. I recommend starting the book at about page 91.

The '60s were a decade of intense activity and achievement for the Friedmans. Milton, working with Rose, completed *Capitalism and Freedom,* which is more

subtle and nuanced than their more popular 1980 book, *Free to Choose.* Milton advised presidential candidates Barry Goldwater and Richard Nixon on economic issues. He and Anna Schwartz finished *The Monetary History of the United States,* which opened many economists and noneconomists to the idea that the Federal Reserve Board had played a major role in causing the Great Depression. During those years Friedman became an outspoken opponent of military conscription, and served on the Nixon commission that almost unanimously endorsed an end to the draft. It was in 1966 that Friedman started his tri-weekly column for *Newsweek.*

Along with the achievements on display in these memoirs are the strengths of character that lay behind them. Among the most attractive of these strengths is the Friedmans' willingness to speak truth to power. Milton tells of visiting the White House in September 1971, a month after Nixon imposed comprehensive wage and price controls. His friend and former colleague George Shultz was in charge of administering the controls. As Friedman got up to leave his meeting with Nixon and Shultz, Nixon volunteered that wage and price controls were a monstrosity and that they would get rid of them as soon as possible, adding, "Don't blame George for this monstrosity." "As I remember it," writes Friedman, "I replied something like, 'I don't blame George. I blame you, Mr. President.'"

The story also illustrates Milton Friedman's capacity to make important distinctions and judge accordingly. Just two months after his White House meeting, I attended a libertarian conference at Columbia University at which many in the audience were trying to push Friedman to attack Nixon. Friedman denounced Nixon for the price controls but wouldn't go beyond that, insisting that we give credit to Nixon for trying to end the draft. Friedman's complete unwillingness to pander to his audience set an example that I have never forgotten.

One of Milton's most admirable traits is his willingness to share credit with those around him, and this too has found its way into the book. Friedman tells about a four-day conference on the draft at the University of Chicago in 1967. The proceedings are in *The Draft,* edited by Sol Tax, a book I read cover to cover in my late teens. One speaker at the conference was Walter Oi, a 38-year-old economist who, as a 12-year-old California Nisei, had been imprisoned by the U.S. government at the outbreak of World War II. During graduate school, Oi became blind as the result of a degenerative disease. (In the late 1970s, Oi was my colleague at the University of Rochester, where he is still on the faculty.) Friedman writes of Oi:

"A convinced libertarian, he strongly opposed the draft. At the conference he gave an eloquent paper presenting the case for ending the draft on grounds of both principle and expediency. The impact was dramatic. Here was a blind man, enormously impressive simply for his capacity to prepare a cogent, closely argued, and fully documented paper. He conveyed a clear sense of moral outrage on an issue about which he had no conceivable ax to grind. To me, it was the high point of the conference."

Two Lucky People is filled with pithy comments. Milton Friedman writes, "I believe that Reagan made a mistake when he chose Bush as his vice-presidential candidate—indeed, I regard it as the worst decision not only of his candidacy but of his presidency."

But there are drawbacks to the book aside from its slow opening chapters. When I read an autobiography of an intellectual, I expect to learn which key experiences helped form his or her views. Here were two people who grew up in Jewish-American households in the 1910s and 1920s and were not quite adults when the Great Depression began. Many prominent Jewish intellectuals of that generation turned left.

By contrast, Milton Friedman was to devote a chapter of *Capitalism and Freedom* to the way in which market economies weaken patterns of persecution, and was to address the issue of Jewish attitudes toward capitalism in a 1972 address to the Mont Pelerin Society (reprinted years later in *Encounter.*) Pro-market Jews, he stated then, are "regarded not only as intellectual deviants but also as traitors to a supposed cultural and national tradition." Friedman went on to make a powerful case for the emancipatory benefits that Jews had derived from the market.

The Friedmans have won their argument; pro-market Jews are no longer intellectual outsiders. I would have been interested in learning in what way the events of the Friedmans' lives shaped their own belief in freedom. After reading their book, I don't have much more of a clue than when I began.

Even more strikingly, Milton doesn't talk much about how his views evolved during graduate school or after he completed his Ph.D. Yet evolve they did. Most notably, his views on the causes of inflation changed dramatically. The Milton Friedman that most of us know about is the one who said, in a famous 1968 debate with Keynesian economist Walter Heller, "the state of the budget by itself has no significant effect on...inflation" and who wrote in 1963, "Inflation is always and everywhere a monetary phenomenon." By contrast, here's what Friedman says about testimony he gave as a Treasury economist in 1942: "The most striking feature of this [testimony] is how thoroughly Keynesian it is. I did not even mention 'money' or 'monetary policy'! The only 'methods of avoiding inflation' I mentioned in addition to taxation were 'price control and rationing, control of consumers' credit, reduction in governmental spending, and war bond campaigns.'"

What happened between 1942 and the early 1950s that changed Friedman's mind? Maybe the explanation is simply that he gathered data that persuaded him of the power of monetary policy. But in most intellectual autobiographies I have read, there's one event, piece of evidence, story, conversation, or argument that starts the process of change. Friedman mentions no such epiphany.

While Friedman's defense of freedom was initially pragmatic, over the years he has increasingly emphasized moral argu-

ments. His approach to price controls illustrates the shift. A pamphlet that he coauthored with George Stigler, "Roofs or Ceilings," leads off the argument against rationing of rent-controlled apartments by the Office of Price Administration as follows: "The defects in our present method of rationing by landlords are obvious and weighty. They are to be expected under private, personal rationing, which is, of course, why OPA assumed the task of rationing meats, fats, canned goods, and sugar during the war instead of letting grocers ration them."

This passage, among others, led Ayn Rand to write a letter to the publisher, Leonard Read, complaining that the pamphlet "advocates the nationalization of private homes." It's also probably why Rand never recommended anything Friedman or Stigler ever wrote, a serious failing on her part. But although Rand was incorrect in saying Friedman and Stigler advocated nationalizing homes, she had a point: Friedman and Stigler never mentioned that rent controls violate landlords' property rights. In 1971, by contrast, Friedman was to call price controls "immoral."

Was the omission of morality in 1946 due to Stigler, who was never comfortable talking about rights? Did Friedman think that he couldn't discuss rights in the intellectual environment of the time? Quite possibly the latter, because, as Friedman has often said, in the late 1940s the intellectual world was substantially more hostile to freedom than it has been since. Also, Friedman was a Jew without tenure, and anti-Semitism at the University of Wisconsin before the war had cost him his job. Indeed, before World War II, strange as it now sounds, Jews were almost nonexistent in academia. Friedman may have been justifiably wary of defending property rights forthrightly. Context is important. Unfortunately, neither Milton nor Rose gives the context.

Still, *Two Lucky People* has many strengths. One is the pithy comments it offers on various people. As a Treasury economist, for example, Friedman was assigned to explain national income accounts to Sen. Robert A. Taft, the famous conservative known as "Mr. Republican." Writes Friedman: "He proved to be an apt student. I would rank him with Richard Nixon as one of the intellectually ablest political figures with whom I have had close contact. He would have been an outstanding member of any university." About George Bush, by contrast, Milton writes, "I believe that Reagan made a mistake when he chose Bush as his vice-presidential candidate—indeed, I regard it as the worst decision not only of his campaign but of his presidency."

The book's other main strength is that it shows the Friedmans going through life enjoying themselves and keeping their fame in perspective. So many famous people expected to be treated better than those of us who are not famous. Through the whole book, you never get the idea that this is the Friedmans' view. One of my favorite stories is Rose's telling of their being thoroughly searched by a U.S. Customs official on their return from traveling abroad. While rifling through Milton's wallet, the official found Milton's business card and suddenly became "respectful rather than overbearing. We were as annoyed by his change in demeanor on recognizing Milton's name as by being singled out for close examination without being informed what if anything we were suspected of," writes Rose. How refreshing that the two Friedmans care, not about their own privileges, but about everyone's rights.

In 1983, three years after the series *Free to Choose* was shown on television, the Friedmans met Queen Elizabeth at a party on her yacht, *Britannia.* Rose, instead of oohing and aahing about royalty in her account, shows the Friedmans and the queen with their feet on the ground. Rose writes, "When it came Milton's turn to be introduced to the queen while going through the receiving line, she remarked, 'I know you. Philip is always watching you on the telly.'" ◆

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Squash Match

By Deirdre McCloskey

The Wealth and Poverty of Nations: Why Some Are So Rich and Some Are So Poor, by David Landes, New York: W.W. Norton, 650 pages, $30.00

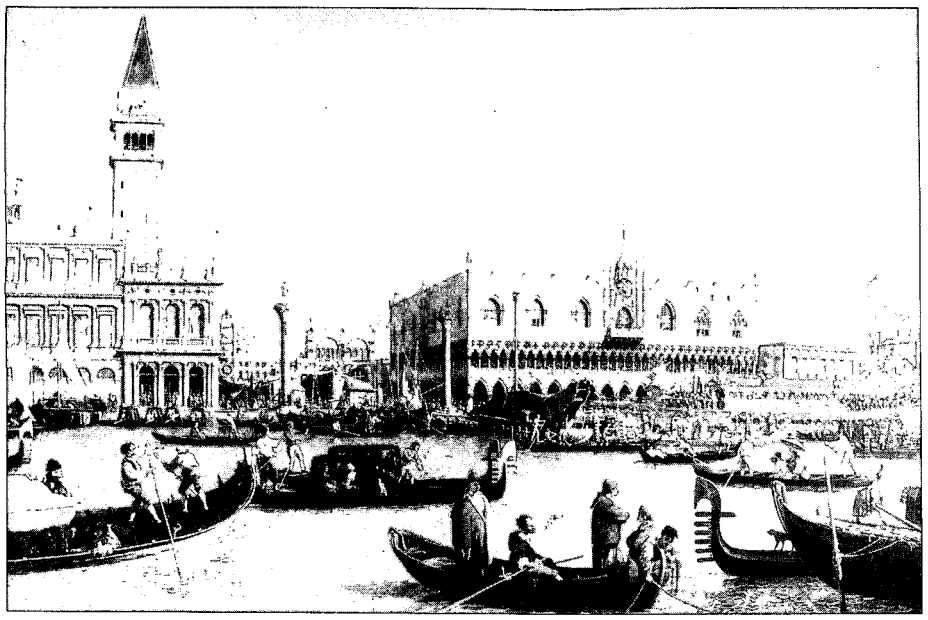
It's nice to know someone willing to attack every politically correct opinion in history. David Landes, a retired Harvard professor of history and of economics, has come to play, and if Edward Said or anyone else wants to play rough, he stands ready to give it back double.

Landes plays squash on the Harvard courts and in his younger days was said to have beaten regularly the members of Harvard's squash team. He writes well, too, and has read broadly, beating in this sense quite a few other Harvard types. There are few historians with as much argumentative verve as Landes, and few living economists with his breadth of learning. He has combined these talents in his big, rambling, readable book about why the West (and now the East) has grown rich.

On page after page, intense intellectual squash matches develop, a hundred or more of them, a season's play: a deceptive serve, a full-strength volley, a passing shot whipped just out of his opponent's reach. Now that he is in his 70s, Landes's game must be slowing down, and one can picture him these days using an old man's guile, and winning with it. You see a lot of that in the book, too. It's tremendous fun, delivered with folksy sophistication.

Landes's theme will outrage the politically correct: "Over the thousand and more of years...that most people look upon as progress, the key factor—the driving force—has been Western civilization and its dissemination." There. We Europeans did it. You late-comers want to argue with success? Wham!

And the way to wealth? As Adam Smith



Hustle and Bustle in 18th-Century Venice: David Landes's *The Wealth and Poverty of Nations* attacks the notion that Europeans got rich through empire building. It was not by stealing from the Third World that the West became wealthy. Success, argues Landes, came through ingenuity.

said in 1776, so Landes in 1998: Leave people alone, enforce the laws justly, provide a few public goods, and in 50 years Scotland can be as wealthy as Holland, or Korea as wealthy as France. Do as we Europeans did. Slam! Point and game.

It's the kind of book I want to write someday, a what-happened-in-history book that counters Karl Polanyi's wrongheaded 1944 classic, *The Great Transformation.* Polanyi's work remains a catechism of historical dogma for the left's faithful; the Marxists (who have all the best songs) have too many of the best historical books.

Landes's book is one of a number of anti-marxoid attempts to usurp the position of Polanyi as the typical *New York Times* reader's guide to What Happened. It's not an easy task, since economic history can be made b-o-r-i-n-g. Yet there are a number of lively contenders: William McNeill's *The Pursuit of Power* (1982), Nathan Rosenberg and L.E. Birdzell's *How the West Grew Rich* (1986), Eric Jones's *Growth Recurring* (1988), Joel Mokyr's *The Lever of Riches* (1990), and others more or less distinguished: a crowded field.

It *should* be crowded. We need to get beyond the understanding of the economic past that was plausible in 1848, before the development of professional history: sweet peasants, wicked mill owners, alienated workers. The Marxist view of economic history has poisoned our political lives for a century and a half. If we're going to have a future, it's urgent that we know what really happened. Landes takes us from the Stone Age to the Asian financial crisis, but his main interest is the past 1,000 years. In the year 1000 no one would have thought Europe a likely place for world leadership. By 1492, says Landes, it was a sure thing.

Landes—whose elusive politics seem to resemble Lester Thurow's or Robert Reich's—spends almost a quarter of his book attacking the notion that the Europeans did it by being empire builders. It was not by stealing from the Third World that the West grew rich, says Landes, noting at length how Portugal and then Spain threw away their advantage in a frenzy of Catholic orthodoxy.

Success came through ingenuity, which arose, he argues, from the special freedoms of Protestant Europe. Like the Northwestern School of Joel Mokyr and Eric Jones, Landes admires the Middle Ages. Far from the period of stagnation the men of the Renaissance claimed it to be, the Middle Ages, according to Landes, was the time when Europe surged ahead of the rest of the world, applying the ox plow, eyeglasses, the mechanical clock, the water mill, the printing press, and gunpowder with an enthusiasm bordering on insanity. These were all possibilities elsewhere—China or Japan or India or the Middle East—but the other places, he says, with their despotisms trying to keep society fixed the better to control and tax it, entirely muffed it. (Well, almost entirely. Landes admires Japan, which he reckons was on the way to its own industrial revolution.)

The book is comparative, as any story of Why We Got Rich has to be. As Adam Smith realized, you can't know why Britain succeeded if you have no account of why Madras or Satsuma failed. Landes's answer, like Smith's, is an optimistic—and Europe-admiring—story of Greek city-states and Germanic law leading to free institutions, contrasted with oriental despotism and God-kings. As history, it has a musty odor, because Europeans have been making the claim for two centuries. In China, said Adam Smith, "the poor or the owners of small capitals...are liable, under the pretense of justice, to be pillaged and plundered by the inferior mandarines." Concludes Landes: "All this made Europe very different from civilizations around." The rich are different from you and me: They're smarter.

And freer. The differences among European countries are to be explained the same way as the differences between Europe and China. Landes scorns "the thought control that proved a curse in Islam" and attributes to it the Muslim lack of invention—including forgetting the wheel. So too within Europe. After the age of Henry the Navigator, little Portugal stopped asking questions and stopped allowing free answers: "[T]hose immeasurable qualities of curiosity and dissent that are the leaven of thought" were simply dropped. An English diplomat in 1670 declared of Portugal that "the people are so little curious that no man knows more than what is merely necessary for him." Literacy especially, marketed from the relatively if not absolutely free presses of Northern Protestantism, makes for a lively economy. By 1900, when illiteracy in Britain was down to 3 percent (though one wonders at such a figure), in Portugal it was 78 percent.

The "Whig" story (the term comes from British history) of liberty leading to

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wealth is as attractive now—in view of Indonesia's troubles—as it was two centuries ago to Tom Paine. Landes argues, as did Mary Wollstonecraft, that (northern) European freedom for women, at least relative to *purdah* and footbinding, made for economic growth. I was stunned to find Landes, that macho squash player, expressing—in italics—my own belief that "*violence is the quintessential testosteronic expression of male entitlement.*" Good for him. As Aristotle said, those numerous societies that enslave their women are throwing away half of their creativity.

Landes's book is wonderful bedside reading, and if read by as many people as it deserves to be it will make us all rich. Him, too. It's lively, intelligent, a wonderful piece of economic popularization, of which we need more.

But, but, but. It *is* popularization, and —little wonder—on many subjects it looks weak from a specialist's point of view. When Landes speaks on the subjects of his other three books—19th-century Egyptian finance, technical change in the past 200 years, clocks in history—you believe him. His forte is the clinching anecdote. He gets less believable when he ventures into the two areas in which he doesn't claim expertise—numbers and theory.

I've known Landes and his work for over 30 years—my dissertation at Harvard was an attack on his views of British economic "failure" in the late 19th century (views he repeats without revision in the present book). What's wrong with Landes's method now is what has always been wrong with it: Like the aristocrat buying up art by the roomful, he doesn't ask "how much?" Historians can't raise the question unless they are trained in some quantitative discipline, such as demography or economics. Although Landes has taught quantitative methods, he has never troubled to learn them. So he gives lists of "factors" in the classic historiographic style, and you never know how to weigh them.

A minor instance among hundreds is his repetition of the usual calumnies against "Sicily's persistent backwardness." Backward by what standard? Where on the scale of economic success does Sicily now fall? Landes waxes eloquent: "[I]n spite of huge subsidies...the landscape is dotted with idle factories, unfinished housing developments, roads that go nowhere." Unlike what? Massachusetts? "This slough of failure and despond testifies to deep failings: ignorance, bias, want of community, organized criminality." One wonders if Landes has thought economically about what he saw in Sicily. Sicily by the standard of most of the world is a fantastic economic success. If Sicily were a country it would have an income comfortably within the top decile of the world's population. Failure?

Head-shaking disbelief is not a counterargument, but Landes is always doing it. About A.G. Frank's notion that Europe did not break away materially until around 1800 his only reply—in a footnote—is, "Bad history." No, bad shot selection, quantitatively speaking. Recent findings in China and India have persuaded most economic historians who have troubled to examine them that in 1800 some parts of those countries were as wealthy as Western Europe. "European exceptionalism" may have its roots in the Middle Ages, but in the 18th century the plant was not much different from Chinese or Japanese or Indian varieties. Which is just what the Blessed Smith said in 1776.

As to theory, Landes's book is full of sage evocations of "theoretical" reasoning, but that sort of thinking is not his strong point. A small example among scores: He attacks throughout the book the economist's notion of comparative advantage. But of course he does not understand it. His obduracy is bound to annoy an economist. For God's sake, you can get comparative advantage right once and for all, and never again misapply it (as Landes does in about half the instances), by reading the chapter on it in any economics text. I have to agree with Paul Krugman, who is quoted by Landes as saying that nationalist economics is "based on a failure to understand even the simplest economic facts and concepts." Comments Landes: "Peremptory and dismissive." But how much patience are we economists supposed to have? When Landes says that "[c]omparative advantage is not fixed, and it can move for and against," he is combining a truism with nonsense.

To David Landes, the Palestinian activist and Columbia professor of literature Edward Said is the Great Satan of Political Correctness. Of Said's charge of Orientalism, the West's misperception of the East, Landes writes, "Insofar as the critique holds that only insiders can know the truth about their societies, it is wrong. Insofar as one uses this claim to discredit the work of intellectual adversaries, it is polemical and unscientific."

Even so, we agree on an awful lot. He says, "[C]ulture does not stand alone. Economic analysis cherishes the illusion that one good reason should be enough, but the determinants of complex processes are invariably plural and interrelated." The first big paper I wrote in college about economics was an attack on the social psychologist David McClelland's notion of "need for achievement." I was a sophomore, a very wise fool, and did not agree with McClelland. Landes does agree. Of the Asian Tigers, he writes, "this achievement reflects in my opinion the culture of these societies."

I wish I knew as much now as I did as a sophomore, but I now think my younger self was wrong. You can't just drop the Sacred and Sociology (the S variables) in favor of an exclusive focus on the Profane and Profit and Price (P variables). That's what economics has tried to do since Jeremy Bentham—with some successes and a lot of silliness. To do the science right you have to control for all the variables, not just pray that the S variables won't interfere.

That said, Landes and I would now get back to quarreling about numbers. He would say that S variables are not measurable. Fiddlesticks. (A drop shot: Handle it if you can.)

The trouble is that culture is startling, ironically unpredictable. "Culture makes all the difference," Landes says frequently, adding, "Here Max Weber was right on."

Fine. Let's perform a mental experiment to test how culture can "make all the difference." No fair using hindsight. Suppose in a very backward country named R—— the established church decides to clean up the liturgy by eliminating some old corruptions. A group of believers, themselves stupidly conservative in every way, rejects the new liturgy. Which of the following occurs?

1) The establishment is hostile to these Old Believers.

2) The Old Believers retreat into self-imposed isolation.

3) The Old Believers sink into poverty and obscurity, on account of 1) and 2).

4) The Old Believers go on to become the dominant force in the country's economy for the next two centuries, on account of 1) and 2).

This bizarre scenario played out in 17th-century Russia, and the correct answer to our quiz is 1), 2), and 4), as Alexander Gerschenkron noted in *Russia in the European Mirror* (1970). The example does not refute Landes; but it shows as difficult what he thinks is easy: to tell who will win. The Old Believers in Russia were the only successfully bourgeois portion of Russian society in the 17th through 19th centuries, except for an occasional Jew and lot of what Landes calls "metics" (noncitizen workers).

There was nothing easy or inevitable about this: Some minorities do well when the establishment tries to crush them and they shrink back into their own ghettoes—witness the Old Believers, but also the overseas Chinese. But some badly treated minorities just do badly. It can go either way. One is reminded of Arnold Toynbee and his famous—and empty—theory of "challenge and response." Too much challenge, as in Greenland, or too little, as in 18th-century China, and you get stagnation. It's difficult—even impossible—to say which will apply.

Landes takes a too simple view of the inevitability of what happened. It's the historian's vice: What happened happened, so it must have been. His main intellectual tool is hindsight. He claims, for example, that "one could have foreseen the postwar economic success of Japan and Germany by taking account of culture. The same with South Korea vs. Turkey, Indonesia vs. Nigeria."

I don't think so. If things that always eventually happen (from hindsight) are foreseeable and therefore useful for policy or journalism or politics, why wasn't Germany's success foreseen? Most economists and historians in 1945 thought Germany would take 50 years to recover. It took 15. The reason Germany's recovery after the war was called a "miracle" is because people very willing to take culture as "predictive" made wrong predictions. The error is well known in social psychology: the tendency to attribute to character what is in fact a result of conditions. Landes and I have been quarreling about character vs. conditions since 1966, historian vs. economist, S variables vs. P variables. You'd think we'd learn that it's both.

But these are learned quibbles. I can't fault Landes for not writing the book on What Happened in History that I would like to write. How can you not like a man so willing to play the game, and so willing to take on the politically correct?

To Landes, the Palestinian activist and Columbia professor of literature Edward Said is the Great Satan of Political Correctness. Of Said's charge of Orientalism, the West's misperception of the East, Landes writes, "Insofar as the critique holds that only insiders can know the truth about their societies, it is wrong. Insofar as one uses this claim to discredit the work of intellectual adversaries, it is polemical and unscientific." Landes concludes that "[t]he effort...has become an assault on knowledge." Zowie.

Landes never lets up. No region or body of scholarship is exempted. Wittfogel's "hydraulic thesis has been roundly criticized by a generation of Western sinologists zealous in their political correctness (Maoism and its later avatars are good). ...The facts gainsay them." The Aztec diet "embarrasses politically correct ethnologists, who see in such descriptions of cannibalism a justification for foreign contempt and oppression." He explains British success in India not by their violence: "[N]othing other than a reputation for unconditional honesty could have enabled Britain to maintain its empire in India at so little expense." So much for blaming an imperialism that ended 50 years ago for India's present problems.

On the still-poor Balkans: In the "absence of metics [those outsider workers], they war on one another and blame their misery on exploitation by richer economies in Western Europe. It feels better that way." Tsarist Russia: "Communist spokesmen and their foreign adulators rewrote history so as to blacken the reputation of the tsarist regime, while throwing favorable testimonies down the memory hole." Native Americans: "Many Americans are sorry now, while Europeans invite Indian chiefs to Paris and Zurich to recount the litany of white wrong-doing."

On American migration: "Some portray the great flood as a kind of huge kidnapping operation. (Europeans, especially, have trouble dealing with the repudiation implicit in this 'massive exodus.') Nonsense." Latin America: "For many Latin American historians and ideologues, it has been vital to emphasize the wickedness of the gringos who came to dominate the Americas." Landes writes, "The failure of Latin American development...has been attributed by local scholars and outsider sympathizers to the misdeeds of stronger, richer nations. Of these ideas, he concludes in italics, "*Even if they were true, it would be better to stow them.*" About the P.C. doubt that there is anything at all to Western progress: "This line of anti-Eurocentric thought is simply anti-intellectual; also contrary to fact."

You gotta love him, squash playing, Eurocentrism, quantophobia, anti-economism, and all. Read the book.

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The Stars My Consternation

By Gregory Benford

The Dreams Our Stuff Is Made Of, by Thomas Disch, New York: The Free Press, 329 pages, $25.00

This sadly sardonic survey of science fiction worries its subject from many angles: historical, literary, sociological. Science fiction (s.f.) is perhaps the defining genre of the 20th century, although its conquering armies are still camped outside the citadels of literary Rome.

Throughout this century, conventional literature persistently avoided thinking about conceptually altered tomorrows and retreated into a realist posture of fiction of ever-smaller compass. Henry James and H.G. Wells had a classic debate on the matter during World War I, but in the end the novel of character, by foregrounding personal relations, claimed the high ground of orthodox fiction. James won his argument, surrendering the future to s.f., the genre that would increasingly set the terms of social debate. Though Aldous Huxley, Nevil Shute, Italo Calvino, George Orwell, and Vladimir Nabokov did impressive work, they were little emulated.

Science fiction novels give us worlds which are not to be taken as metaphors, but as real. We are asked to participate in wrenchingly strange events, not merely watch them for clues to what they're really talking about. S.f. pursues a "realism of the future," and so does not take its surrealism neat.

Thomas Disch underlies his wryly witty observations with poet Delmore Schwartz's resonant title from 1938, *In Dreams Begin Responsibilities.* This "pregnant truth"—that s.f. has obligations to think coherently about our prospects, not just play melodramatic games with futuristic props—is Disch's clarion call to the genre that once fascinated him but that has plainly appealed to him less since the mid-1980s. He was a prominent novelist and short story author of the 1960s and '70s; his best novels, *Camp Concentration* and *334*, displayed a cool, distanced mannerist style tending toward a razor wit (often seen in this book as well), revealing social nuances of possible futures. His rising repute as a "new formalist" poet carries forward this agenda.

Critic John Clute described Disch as "perhaps the most respected, least trusted, most envied and least read of all modern first-rank sf writers," and there is justice in the claim. Disch was a major figure in the 1960s New Wave movement, which introduced many modernist and surrealist techniques into s.f. As a critic, he takes on such revered figures as Robert Heinlein and Ursula Le Guin with insightful malice, particularly wounding Le Guin for her political correctitude. He is no less forgiving of the wild ideas that have sprouted like weeds in s.f.'s rich loam.

Genres are best understood as constrained conversations, and s.f. is the leader and innovator in this. Constraint is essential, defining the rules and assumptions open to an author. If hard s.f. occupies the center of science fiction, that is probably because hardness gives the firmest boundary.

Like immense time-binding discussions, genres allow ideas to be developed and traded, and for variations to be spun down through decades. Players ring changes on each other—a steppin'-out jazz band that inventively agrees on its central tune, not a solo concert in a plush auditorium. Contrast this with "serious" fiction —more accurately described, I believe, as merely self-consciously solemn—which proceeds from canonical classics that supposedly stand outside of time, deserving awe, looming great and intact by themselves.

Disch seems to sense this central draw of s.f., which thins as popularity grows. Alas, this book treats few works under 15 years old; Disch has been separated from the field for so long, his expedition never reaches the core. He has missed several rounds of the conversation. Genre pleasures are many, but the quality of shared values within an ongoing discussion may be the most powerful, enlisting lifelong devotion in its fans. In contrast to the Grand Canon view, genre-reading satisfactions are a striking facet of modern democratic ("pop") culture. Paradoxically, visual media success has so diluted this aspect as to make it invisible to the masses who flock to big special-effects movies.

S.f. takes up Big Ideas and Big Wonders but does not always treat them with care; it is historically gullible. Its unfulfilled promise vexes Disch, and he rummages among the cranks, fakes, and crazies that often camped near the Legions of the Future. He treats us to tours of mesmerism from the time of Poe, to UFOs and their exploiters (Whitley Strieber, a flagrant example), to the huge religion—Scientology—invented in an s.f. magazine. These unseemly neighbors of the genre betray America's high dreams and ready gullibility. Skepticism is quite in order, particularly in the New Age.

The persistence of cranks and fools in the ranks of s.f. is sobering. We'll scarcely be invited to the high literary tea, Disch worries, if we have so many companions with such muddy boots.

This concern blends with Disch's class analysis of literature. "The difference between highbrow and low—between Eliot and Poe, between mainstream and scifi—is not one that can be mapped by the conventional criteria of criticism." He supports this by showing that Poe is more a formalist than Eliot, and less given to overt lecturing and preachiness (two oft-cited s.f. mannerisms). Instead, "The essential difference is not one of aesthetics or of some subtler metaphysical nature, but of the two writers' antithetical social and economic positions." Poe was a popular, market-driven writer, a "magazinist," while Eliot was supported by a high culture

with subtle, indirect patronage.

S.f., in my view, has been the voice of a rising class that sprang from the burgeoning American masses, hopeful, middle-class, technological types. Their very earnestness carried their arguments and visions into the souls of the one country most responsible for our collective visions of the future; s.f.—at least since the great era of Wells ended—is notably an American creation.

Predictably, its grandiose dreams lead to its worst faults. S.f.'s greatest vice is lecturing. In the face of such large ideas, many authors became the "School Teacher Absolute, a fate that would befall so many later s.f. writers—Heinlein, Asimov, Bradbury, Le Guin, Delany—that it must be considered an occupational hazard." It can carry a writer away. Disch sees the later work of Philip K. Dick, particularly the important *Valis*, as "madness recollected in a state of borderline lucidity." The lecture becomes a sermon.

Such faults go with the territory, but they do not dominate it. The true strength of the genre lies in its power to convince by imagining. Writes Disch, "A theory can be controverted; a myth persuades at gut level."

We s.f. creators are often great makers of myth, some lifted from written s.f. and tarted up for visual media consumption. *Star Trek* is notorious for looting the more thoughtful work of writers for their striking effects, leaving behind most of the thought and subtlety. Of the show's huge global audience, Disch observes that "few audiences like to be challenged," for after all, a challenge "is traditionally the prelude to a duel, not to a half-hour of light entertainment. Any artist's first order of business is not to challenge but to entice."

He views this most persistent of TV shows from a fashion angle: actors in pajamas. Their starship looks much like an office from the inside, with crew in look-alike uniforms: "[T]he same parables of success-through-team-effort that can be found on such later workplace-centered sitcoms as *The Mary Tyler Moore Show* and *Designing Women*."

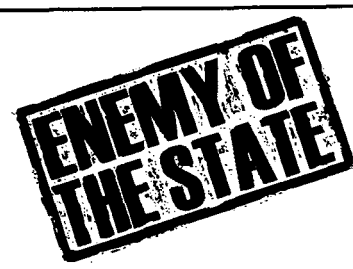
Trek was thus the prophet of the politically correct multicultural future just ahead of us, with workplace equality conspicuously displayed. Disch wrings much humor from this insight, yet surely the crucial nature of both *Star Trek* and *Star Wars* lies in their invocation of family. The strangeness of outer-space futures had before been so daunting for audiences that typically it is the backdrop of neo-Freudian horror (the *Alien* series, etc.). Yet even here the chilly landscape of the scientific worldview is reduced to the conventional: vampires in space; dripping goo; aliens capable only of hostile rage.

Star Trek's insight lay in the promise of going to the stars together, with well-defined stereotypes who could supply the emotional frame for the potentially jarring truths of these distant places. That is why the cultures they encountered proved so boring: "Blandness and repetition can be comforting, and comfort is a major desideratum in bedtime stories." Alas, the genre set out to do more than rock us to sleep.

The market now mirrors Disch's withering analysis. Despite his assertion that "three or four slots on the best-seller lists are occupied by SF titles," in fact their occupants are fantasy tomes, media tie-ins, and Michael Crichton clones, not actual s.f. at all. Only one true s.f. novel I can recall from the 1990s made the lists for long, Arthur C. Clarke's *3001: The Final Odyssey*, a media-driven sequel to a sequel to a sequel.

Indeed, Disch believes that once space travel, s.f.'s grand metaphor, proved to mean long voyages to inhospitable places, the genre reverted to fantasy-like motifs. There is truth in this, both in the rise of genre fantasy in books (now plagued with a numbing sameness and endless trilogies) and in the ascendance of Joseph Campbell (savant of the mythic archetype theory of storytelling, as used by George Lucas in *Star Wars*) over John W. Campbell (tough-minded editor of *Astounding* magazine, the font of s.f.'s Golden Age, yet also the crucible of Scientology and crank ideas like the infamous Dean Drive).

This retreat from an observable fact—that the real moon is indeed a harsh mistress—signals, to Disch, the end of s.f.'s best days. He scorns the Heinlein-Pournelle wing of hard s.f. ("Space is like Texas, only larger"), not distinguishing between libertarian and conservative elements. Disch's own politics are not easily unfolded from his novels, but he does dislike



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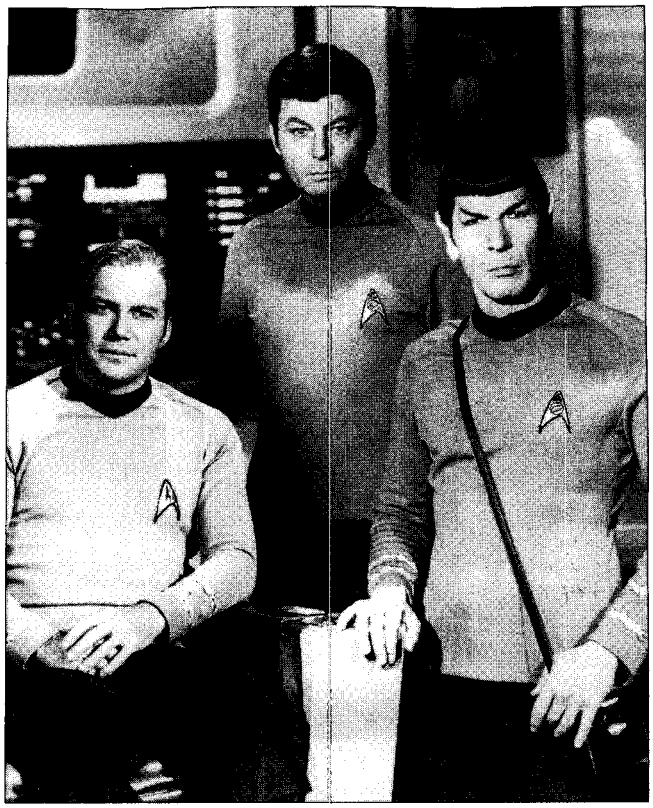
militarism and seems to view with pleasure a benevolent state run by people much like himself.

Still, the rigor of s.f.'s ongoing internal discussions appeals to him, and he nods approvingly at the "Killer Bs"—Greg Bear, David Brin, myself. He confesses a fondness for that seminal work of strict physical exploration, Hal Clement's *Mission of Gravity* (1954). Conceptual adventures without a political agenda, as with Arthur Clarke, refresh him.

Certainly, "hardness" in the sense of scrupulous concern for the facts and methods of science remains for Disch and many others the core of the field and its always hopeful promise. Hardness has been appropriated by some for politically hard-nosed analysis, often with a libertarian bias, sometimes even with a conservative one—this last a seeming contradiction, given that this is a "literature of change."

Hal Clement's world-building took us to far exotica, to meet the strange face to face. Indeed, aliens are the most pointed s.f. motif. "If God can't be coerced into breaking his silence, at least he can send emissaries," is Disch's neat compression of science's failure to reveal the holy, and s.f.'s literary attempt to find it metaphorically in the alien. Aliens are only passingly interesting to see; what one wants to do is talk to them, sense the strangeness of another mind.



Intergalactic Slumber Party: Of *Star Trek*'s huge global audience, Thomas Disch comments, "few audiences like to be challenged." To him, the show's s.f. trappings is little more than a fashion statement—actors in pajamas.

Yet this is not the focus of the movies and TV, which have turned s.f.'s aliens into horror shows or neat parables. "Screenwriters do not have the luxury that novelists enjoy of taking the time to explain things, to pose riddles and work them out, to think," writes Disch. "Such bemusements can be the glory of s.f. (as of the deductive mystery, another genre poorly served by film)," but we see it seldom in the torrent of special effects pouring from our screens.

In the late 1990s we have entered an era when special effects can show us just about anything, sometimes at surprisingly little cost. This could liberate s.f. from the standard by which it is increasingly judged: the visual. The trick is to combine ever-bigger spectacles with real thinking, historically a tough job.

I believe this to be the great challenge to the genre: to use its insights and methods to reach the huge potential audience with more than simple bangs. The western made such a transition in the 1950s, producing its finest works (*High Noon, The Searchers, Shane*) before running out of conceptual gas.

Written s.f. may have lesser prospects. Media tie-in work fills a (thankfully) separate section of the s.f. division in the larger bookstores. In the rising tide of media spinoff novels and "sharecropping" of imaginative territories pioneered by early greats, Disch sees the genre's probable fate: "more of the same and more of the sameness."

Need this be so? I find the quantity of well-written s.f. has never been higher, counter-balancing the media tie-in clones. This goes little noticed in the windy passageways of the literary castles, for the division of that Wells-James debate persists.

The media-tied series books typically sell less well with time, unlike creative series (mystery writer Sue Grafton's, historical novelist Patrick O'Brien's), whose readership tends to increase. This opposite gradient suggests conceptual exhaustion, the market not refertilizing. Thus are genres depleted and cast aside, as was the western.

Perhaps this comes in part because there are few feedback loops carrying information-dense dialogue. The media tie-ins have their *Star Trek* conventions, but they are isolated from the larger s.f. genre discussion. Further, there is a curious mismatch between the reviewing media and the reading public. One would expect an efficient market to shape book reviewing to the great strengths of contemporary America: many genres, from the hard-boiled detective to cutting-edge s.f. and techno-thrillers, on to wispy, traditional fantasy. Yet s.f. particularly is seldom noticed outside its own few magazines, except when Hollywood steals its innovations, often without credit.

In the end, Disch seems saddened because the energy of the New Wave, just breaking when he entered the field in the 1960s, hissed away into the sands of time. But the legacy of his generation is deeper, upping the stakes in the genre's perpetual battle between conventional literature's subtle, stylish stamina versus s.f.'s blunt, intellectual energies. True, Disch's fellow New Wave marchers—Joanna Russ, Samuel Delany, Harlan Ellison, J.G. Ballard—have largely dug in and fallen silent, but the advance of hard s.f. after them used weaponry they had devised. From Clement's beginning, hard s.f. has fashioned a whole armament of methods; mainstream mavens like Tom Clancy, and savvy insiders like Larry Niven and Jerry Pournelle, have used some of them to carve out rich provinces of their own.

On some issues Disch closes ranks with virtually all other s.f. writers. He deplores the recent razoring of literature by

AP / WIDE WORLD PHOTOS

critics—the tribes of structuralists, postmodernists, deconstructionists. To many s.f. writers, "postmodern" is simply a signature of exhaustion. Its typical apparatus—self-reference, heavy dollops of obligatory irony, self-conscious use of older genre devices, pastiche and parody—betrays lack of invention, of the crucial coin of s.f.: imagination. (Philip K. Dick's identity anxieties resonate with postmodernists, though, so there is some overlap.)

Some deconstructionists have attacked science itself as mere rhetoric, not an ordering of nature, seeking to reduce it to the status of the ultimately arbitrary humanities. Most s.f. types find this attack on empiricism a worn old song with new lyrics, quite retro.

At the core of s.f. lies the experience of science. This makes the genre finally hostile to such fashions in criticism, for it values its empirical ground. Deconstructionism's stress on contradictory or self-contained internal differences in texts, rather than their link to reality, often merely leads to a literature of empty word games.

S.f. novels give us worlds which are not to be taken as metaphors, but as real. We are asked to participate in wrenchingly strange events, not merely watch them for clues to what they're really talking about. S.f. pursues a "realism of the future" and so does not take its surrealism neat, unlike much avant-garde work which is easily confused with it. The social-realist followers of James have yet to fathom this. The Mars and stars and digital deserts of our best novels are, finally, to be taken as real, as if to say: Life isn't like that, it is *this.*

The best journeys can go to fresh places, not merely return us to ourselves. Despite Disch's sad eulogy for the genre's past, which he considers its high point, I suspect there are great trips yet to be taken. But they will require courage. ◆

Contributing Editor Gregory Benford's (gbenford@uci.edu) most recent novel in paperback is Artifact.

Whine Cooler

By James V. DeLong

Property and Freedom: The Constitution, the Courts, and Land-Use Regulation, by Bernard H. Siegan, New Brunswick, N.J.: Transaction Publishers, 290 pages, $34.95/$21.95 paper

You cannot pick up a newspaper these days without drowning in tearful stories about the condition of America's metropolitan areas. My local paper, *The Washington Post,* is quite fond of this urban whine. It is an unusual day when the *Post* does not carry several examples, centered on a few predictable themes.

There is the "sprawl" theme: An evil group of developers is building houses somewhere in the suburbs, often on big lots, thus exacerbating automobile culture and preventing the high population densities necessary for efficient mass transit and the development of liveable urban cores. A variation on this theme is "dense sprawl": An evil group of developers is building houses on small lots in the suburbs, thus overstressing the infrastructure and changing the peaceful rural character of one of the area's last refuges against galloping urbanism.

There is the "neighborhood" theme: The evil developers want to build townhouses or apartment houses in some city neighborhood—perhaps Cleveland Park, where a lot of editors seem to live—thus increasing the density, overcrowding the streets, and ruining the area's charm, which depends on low densities and big lots (all within walking distance of a Metro station, of course).

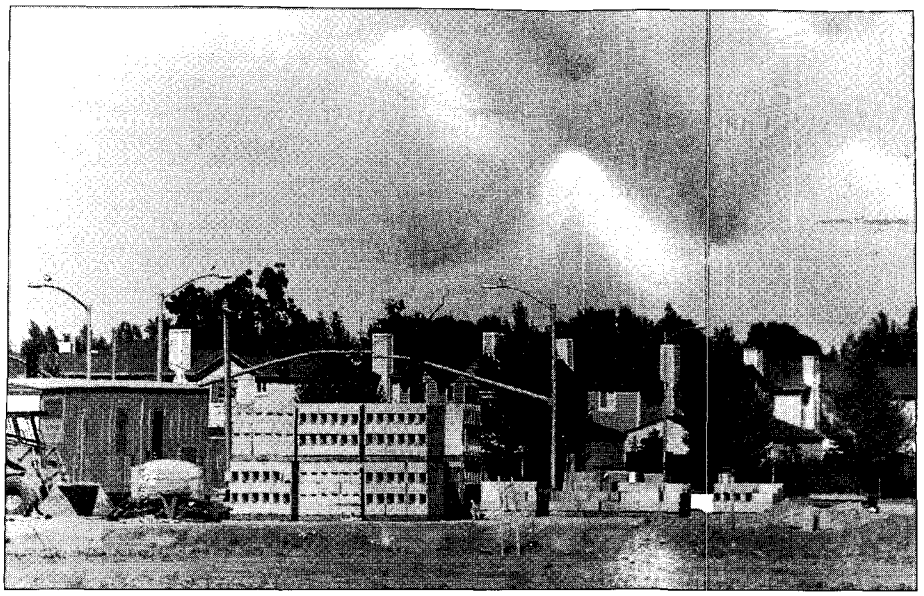
These themes are often combined with concern about the "auto culture": People are spending all their time in cars, driving from jobs to schools to soccer fields to stores. The villain in this scenario is a little harder to find. It seems to be "us." We ought to live in areas where all these things are within walking distance, and by God the authorities ought to bring this about!

The "planners" theme is growing more popular: The urban planners have failed, creating whatever condition is being deplored. They have allowed themselves to be influenced and corrupted by the people whose lives they are planning, and as a result they have surrendered the purity of their vision. Planners must stand firm and insist that the populace live as it is told, and they need more power to overcome the forces of greed and private interest. Come the revolution, you *will* sit in sidewalk cafés drinking latte.

The urban whine is infinitely repeatable. I was recently told that goldfish have such poor memories that every trip around the bowl is a new experience. I do not know about goldfish, but the proposition is clearly true for reporters. They have been writing the same stories for decades now, each time with breathless outrage. Developing a memory might dull the edge. They are also innumerate, so they do no arithmetic on mundane things such as the population densities necessary to support a subway, a large supermarket, or a soccer field. They do not know, or do not mention, that every time a *Washington Post* editor takes a round trip on a Metro train it costs the public $20 in subsidies.

Nor do these reporters stop to wonder why it is that the conditions they deplore so much—whatever they happen to be at the moment—have worsened steadily as the planning profession has gained increasing power and as private property rights have received decreasing legal protection. Could it be that these events are related? As Bernard Siegan notes in his new book *Property and Freedom,* the city of San Diego had eight zoning districts in 1952, 16 in 1962, and over 200 in 1993, each with its own rules on land use and development. Yet people are still complaining. It seems unlikely that increasing the number of districts to 400 or making the rules even more complex will improve things.

Given the success of deregulation in other spheres, perhaps more property rights and less planning would produce metropolitan configurations that better satisfy the great variety of human needs and desires. If you are willing to entertain such wild thoughts, if you have



On the Right Tract: While not for the casual reader, Bernard Siegan's *Property and Freedom* will richly reward anyone who wants to arm himself with anti-planning facts for the summer round of suburban deck parties at which everyone bemoans the rise of the suburb.

taken too many trips around the bowl of urban whine, dip into Siegan's book instead. It is not for the casual reader, but anyone who wants to arm himself with facts for the summer round of suburban deck parties at which everyone bemoans the rise of the suburb will find in *Property and Freedom* a veritable arsenal.

A professor of law at the University of San Diego, Siegan has written extensively about the role of the courts in protecting the right to own and use property. In his 1980 book, *Economic Liberties and the Constitution*, he argued that the New Deal retreat from the protection of economic rights was mistaken. Siegan also spent many years as a practicing lawyer, which gives him insight into the realities of zoning boards and the never-ending efforts of property owners to rob each other with the government's help. And he lives in California, which is an education in itself about the dream that government fiats will make the world perfect, if only we add a few more.

Property and Freedom consists of three loosely related parts. The first 75 pages are devoted to two propositions. First, Siegan notes that the right to own and use property is an important human right. One of the oddities of liberal thought in the 20th century is its emphasis on the Constitution as the protector of speech and sex, and its neglect of material protections, despite the fact that for most people most of the time arbitrary government action that deprives them of "the fruit of their labor, savings, energy, and knowledge," in Siegan's phrase, does far more damage than other inhibitions. He finds it strange that liberals who regard legislators as both short-sighted and malevolent when they deal with freedom of speech or the press will, when those same legislators decide to regulate property issues, assume them capable of god-like disinterest and foresight.

The second point in the first section of the book is that the Founders understood the importance of protecting property and devoted serious attention to the topic. The roll call of advocates and quotations is impressive and useful. Even a good libertarian might have an authoritarian fantasy in which legions of ahistorical planners and journalists are chained to the tables in their sidewalk cafés and forced to listen to selections from this part of *Property and Freedom*.

In the second part of the book, consisting of about 100 pages, Siegan looks at the basic cases on the constitutional prohibition against taking property without compensation and explains what they mean in the context of government regulation. He divides this material into the conventional three periods: pre-1927, when the courts tried to give meaning to the protection; 1927 to 1987, when the Supreme Court left the field to the triumphant urban planners; and post-1987, when the Court re-entered the fray. Unless you are a lawyer with a case, you will find this material dry, and you would have to be pretty mad at those reporters to make them listen to it all.

I disagree with Siegan on some of the legal technicalities. He likes a particular three-part verbal test used by the Supreme Court to determine whether a "taking" has occurred under the Fifth Amendment and thinks it provides a solid foundation for progress. I think it is confusing drivel. Siegan seems to believe that legal thought in this area is making orderly progress. In my view, arguments in a takings cases are not a careful analysis conducted within a logical structure. Instead, the parties toss quotations at each other, as if lobbing mortar shells at an unseen target in the hope that one will hit. Siegan lumps arguments about takings with concepts of due process and equal protection. I think these concepts must be kept separate, not just as a matter of legal craftsmanship but to enhance political analysis.

Despite these quibbles, Siegan has a lot of interesting things to say about this body of law, and I know I will return to the book next time I need to get legal.

The third part of *Property and Freedom*, about 50 pages long, returns to material of more general interest: the real-world consequences of zoning and land use planning. It is time to chain the reporters back to the tables and resume the readings. Siegan notes the immense costs of local regulations, many of them unnecessary to protect public health or safety, and their impact on families of modest means. He documents the tendency of the wealthy to vote for increasing regulations and the poor to vote against them, an accurate indicator of winners and losers. He notes that zoning keeps expanding on the foundation of its own failures: "[Zoning] usually does not work as represented....Each new strategy is touted as a remedy for the failings of the old, but it too will fail to measure up to the expectations of its proponents."

Siegan examines the experience of Houston, which relies on restrictive cov-

NEIL MICHEL

enants enforced by the city rather than zoning. He looks at the California Coastal Commission and other institutions that have sent housing prices in the Golden State soaring. He notes that many environmental laws are designed to secure the personal pleasure of their supporters rather than any real environmental need. He punctures commonly heard arguments that the United States is running out of space and needs to cram its citizens together into ant heaps. He observes the tendency of zoning boards to be captured by the most vocal and their indefatigable efforts to foist costs onto outsiders.

In the end, Siegan is talking about two different philosophies of government. One relies on control by experts, detailed planning, elitist arrogance, and an astonishing disregard of reality. The other relies on respect for individual rights, the amazing ability of markets to produce a rich variety of physical environments, and the genius of an inventive and free people. For too long, the first philosophy has dominated our metropolitan areas. The time has come to stop using its history of failure as the rationale for yet more arrogance and flights into unreality, and to try the second. ◆

Contributing Editor James V. DeLong (jdelong@regpolicy.com) is the author of Property Matters: How Property Rights Are Under Assault—And Why You Should Care *(The Free Press).*

Know It All

By Kenneth Silber

Consilience: The Unity of Knowledge, by Edward O. Wilson, New York: Alfred A. Knopf, 332 pages, $26.00

This is a book about everything, in a sense, and it contains something to provoke, disturb, or irritate just about everybody. Edward O. Wilson argues that all fields of knowledge and inquiry—ranging from physics and chemistry to art criticism and moral reasoning, with the social sciences somewhere in between—can and should be knit together into a comprehensive worldview. His case for "consilience," literally a "jumping together" of disciplines, encompasses, among other things, an attack on postmodernism, a brief for environmentalism, a critique of religion, a dismissal of Freudianism, a couple of swipes at the economics profession, and a protracted defense of biological explanations for human consciousness and behavior.

Wilson, a biologist who taught at Harvard for over four decades before his semiretirement in 1997, has carved out an influential career in several intellectual niches: as one of the world's leading authorities on ants and other social insects; as an exponent of the concepts of biodiversity and "biophilia" (the latter being a deep, inborn human affinity for nature); and as a founder and popularizer of human sociobiology (also known by the roughly synonymous term "evolutionary psychology"), a school of thought that emphasizes genetic and Darwinian influences on culture and society.

Sociobiology, following its advent in the 1970s, sparked sharp criticism from thinkers in various disciplines who were committed to conceptions of human nature as highly flexible, nonexistent, or socially constructed. (Nonthinkers entered the debate as well; in one much-reported incident, leftist protesters at a conference dumped a pitcher of ice water over Wilson's head.)

These varied elements of Wilson's career all are evident in *Consilience.* While the book's sweeping thesis may seem to have little to do with insects, the tiny critters enter the narrative at several points. (In one of the book's best and most amusing passages, Wilson speculates about what sort of political speeches would be heard in a world where termites had evolved a high level of intelligence.) Wilson's concerns regarding biodiversity and biophilia are manifest in his discussion of the environment.

Most central to the book's argument, however, is sociobiology, which emerges as a crucial strand in the seamless web of knowledge that Wilson seeks to construct. For if human minds and societies are shaped by genes—segments of DNA, which in turn are shaped by the laws of physics and chemistry—then the outlines of a comprehensive worldview begin to appear.

There is much of value in *Consilience.* Wilson provides a cogent overview of neuroscience, population genetics, and other areas of biology. He presents a largely convincing picture of confusion and stagnation in the social sciences and humanities; it becomes easy to believe that these fields would benefit from some form of linkage to the natural sciences, or at least from a greater awareness among social scientists and humanities experts as to what's actually going on in the natural sciences.

Yet Wilson's overall argument is so far-reaching and ambitious that it begins to buckle under its own weight. Precisely because he asserts that everything is connected, the weakness of any of his claims brings the entire thesis into question. Ultimately, the consilient worldview seems more a dream for the distant future than a program for the present; and one wonders whether the real thing, if and when it emerges, will bear more than a passing resemblance to Wilson's vision.

Sociobiology, the linchpin of that vision, is a bold but rather speculative school of thought. Its view of the human condition lends itself readily to caricature. If people are driven by their genes—and in particular by the imperative to replicate their genetic material—then why, ask skeptics, would so few men be delighted to learn that they had fathered an extra child by a prostitute? Furthermore, given that humanity evolved to thrive in the African savanna, why do most people seem to prefer vacations in the mountains or on the beach? (High plane fares to Africa?)

Wilson, however, does not argue that genes determine exactly how people behave, or that every decision has an immediate Darwinian explanation. Rather, he propounds the more subtle notion of "epigenetic rules," hereditary regularities in brain structure and cognitive development that make certain types of learning and behavior more likely than others.

These hereditary regularities tend to have some adaptive value, enhancing the ability of those who possess them to survive and reproduce in a given environment, but their precise manifestation will vary with time and place.

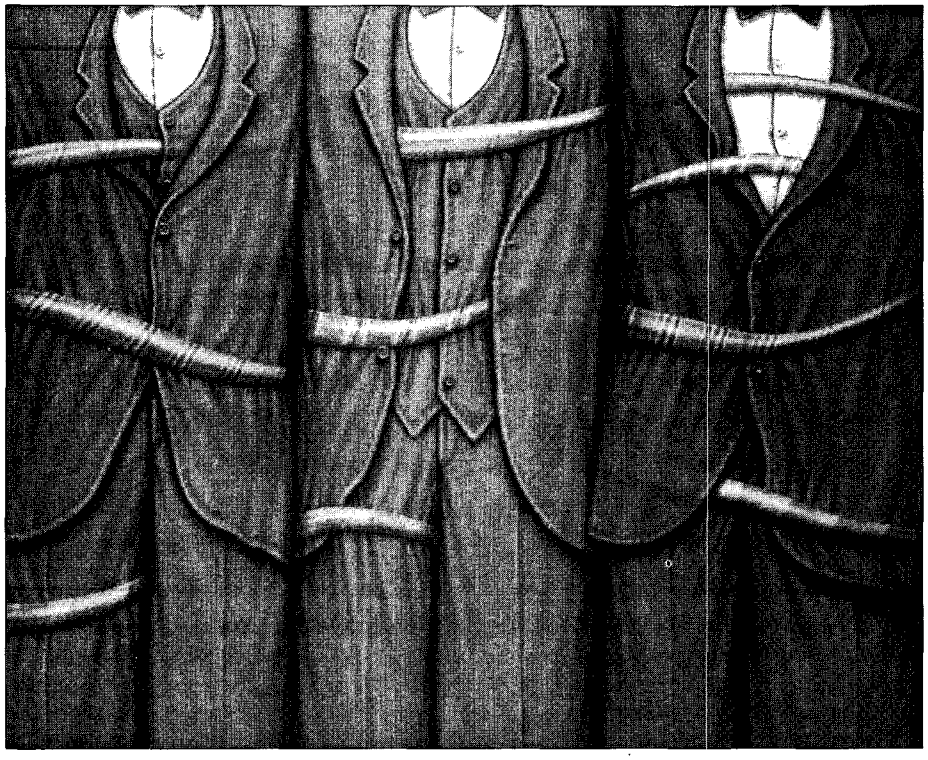
Such innate propensities, in Wilson's view, underlie certain widespread or universal features of human societies. The incest taboo is a prime example; Wilson argues persuasively for the existence and hereditary nature of the "Westermarck effect," a revulsion against sexual contact not only with relatives but with any person one lived with during early childhood. Bolstering his argument are data showing the high failure rate of Taiwan's once-common arranged marriages among unrelated people raised in the same household.

In defending the Westermarck effect, Wilson pokes a significant hole in Freudian psychology's doctrine that the incest taboo was formed to restrain powerful and widespread incestuous desires. Yet when Wilson addresses another question that has Freudian implications—Why do people dream about snakes?—the limitations of both sociobiology and his larger consilience program become clearer. Images of snakes in dreams or drug-induced hallucinations are experienced by numerous people all over the world, Wilson asserts, and such "dream serpents" often are invested with cultural significance, for example in shamanistic rituals. Seeking a consilient explanation for all this, he begins with an analysis of brain chemistry and the pharmacology of plants used by shamans; eventually, he winds up in a discussion of one Pablo Amaringo, a Peruvian artist who often paints pictures of snakes.

The connections between these topics are tenuous in any event, but sociobiology is a particularly weak link in the chain. Wilson argues that humans and their ancestors gained a survival advantage by reacting to snakes with fear and awe; fearsome dream serpents helped instill such reactions, and those cultures that reinforced the message through art and legend further enhanced their members' survival chances. But how certain will we ever be that these are the reasons why people dream about snakes?

As geneticist Steve Jones asks, why don't people dream about that other threat to our ancestors, rotten meat? Indeed, who knows how often people actually do dream about snakes in the first place, given that most dreams are forgotten and that worldwide polling on the subject is a formidable task? (I, for one, recall only a single snake dream in my life, and it occurred after I had owned a snake for months.)

Wilson's biological speculations extend to even the most ethereal of subjects. He likens religion to a mammalian "dominance hierarchy" in which the weaker members pay obeisance to the stronger (in this case the gods and their earthly representatives). He dismisses the poststructuralists' skepticism about knowledge and communication by noting that humans all have fundamentally similar brains with a common evolutionary heritage. Wilson's speculations on such matters are thought-provoking, but it is unlikely, to say the least, that religious believers or poststructuralists will find them compelling. And given the current sketchy state of biological knowledge about human brains and consciousness, there is little reason why they should.



Snake It Up, Baby: In *Consilience*, E.O. Wilson pokes a significant hole in Freudian psychology's doctrine that the incest taboo was formed to restrain powerful and widespread incestuous desires. But when he addresses another question with Freudian implications—Why do people dream about snakes?—the limitations of both sociobiology and his larger consilience program become clearer. After an analysis of brain chemistry and plant life, he winds up in a discussion of one Pablo Amaringo, a Peruvian artist who often paints pictures of snakes.

ZURBARAN GALERIA, BUENOS AIRES / SUPERSTOCK

Yet even if biological explanations can be taken too far, or applied prematurely, the social sciences often have erred in the opposite direction, by ignoring biology altogether. Wilson adeptly contrasts the meandering pace of the social sciences with the rapid progress occurring in the biomedical sciences; the latter, he notes, are more focused on seeking answers across multiple specialties and levels of explanation—in short, on consilience. Wilson rightly decries the dogmatic cultural relativism that has dominated anthropology during much of this century. He traces how a justified skepticism toward Social Darwinism evolved into a sweeping denial that human nature has anything to do with heredity. Sociology, as Wilson notes, is hindered by its own dogma that people are products of society. He likens the field, with its broad-brush approach, to what biology would be if biologists did not know or care that organisms are composed of cells.

By contrast, Wilson approves of economists' efforts to draw links between the "macro" and "micro" levels of economic activity, and between economic behavior and broader social phenomena. Nonetheless, Wilson's view of economics is mainly negative. Economic theories tend to be overly simplified and abstract, he argues, and they depend on a model of human behavior drawn largely from folk wisdom. These criticisms are questionable, however. Much economic theory, including the basic premise that humans are "rational utility maximizers," is counterintuitive and therefore quite the opposite of folk wisdom. (Where, in all the world's folklore, does one find the principle of comparative advantage?)

Having argued that economics should be informed by biology, Wilson inadvertently demonstrates what biology and ecology look like when colored by a cursory and one-sided understanding of economics. He complains about deforestation, for instance, while taking no notice of the government subsidies that often promote it.

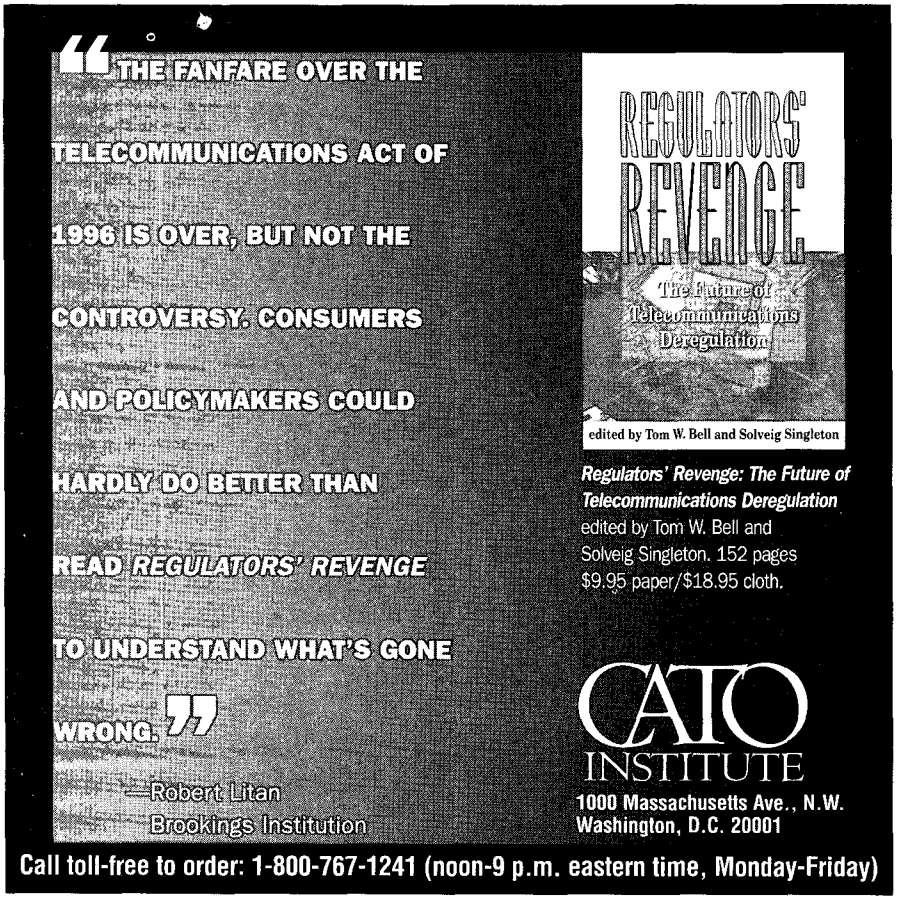
Moreover, whether sociobiology's model of human behavior offers superior insights remains to be seen. Tellingly, one of Wilson's strongest points against conventional economics—that people often rely on "heuristics," or rules of thumb, rather than rational calculation—is derived from cognitive psychology, not sociobiology. Even so, he surely is correct to assert that integration between economics and biology is an avenue of research worth investigating.

The book's final chapter, titled "To What End?," is focused on environmental and social problems. Here, Wilson makes a number of assertions that seem to come from nowhere, or to jibe poorly with his main argument—not a good thing in a book about consilience. He argues that future generations should be "genetically conservative," or cautious in their use of genetic engineering; in an aside, he writes that such conservatism should not be confused with "the pietistic and selfish libertarianism into which much of the American conservative movement has lately descended." The book's final paragraph contains a sudden, ambiguous warning about "machine-aided ratiocination"; apparently, future generations should be cautious in using computers, too.

Wilson presents a grim picture of the global environment, emphasizing human population growth, the limits of arable land and potable water, and mass extinctions of plants and animals. Yet having argued that economics should be informed by biology, he now inadvertently demonstrates what biology and ecology look like when colored by a cursory and one-sided understanding of economics. Wilson complains about deforestation, for instance, while taking no notice of the government subsidies that often promote it. He worries that economic growth will increase humanity's environmental impact, and he calls, ominously, for governments to adopt unspecified "population policies"; he fails to note that in many nations rising prosperity has correlated with declining population growth. He avers that technological solutions to environmental problems are "prostheses" that make humanity more dependent and the environment more delicately balanced. And he wonders whether posterity will be angry at our era for presiding over the extinction of so many insect species. Bear in mind, though, that he is an entomologist.

Consilience, in the end, leaves us far from a convincing unification of knowledge. But it gives us a fascinating view of the world as seen by Edward O. Wilson, a bold, innovative, and idiosyncratic scientist.

Kenneth Silber (ksilberny@aol.com) writes about science, technology, and economics.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Texas Swing

The not-so-shocking reason the Lone Star state chose not to sue Microsoft

By Thomas W. Hazlett

Journalist Jacob Weisberg stared deep into the heart of Texas—and was shocked. Lone Star State Attorney General Dan Morales had gained notoriety as the leader of the anti-Microsoft vanguard, launching antitrust investigations, filing suit, and organizing a national campaign to inflict mortal legal damage on the alleged software monopolist. But when the Texas-based Dell, Compaq, and CompUSA folks paid him a visit, he curled up like a cuddly little kitty. Morales yanked Texas out of the suit filed on May 18 by 20 other state attorneys general and the U.S. Department of Justice, noting that "several officials of Texas' computer industry have expressed concerns that the filing of a lawsuit against Microsoft may negatively impact their companies as well as the consumers of the state."

Weisberg, who covers politics for *Slate*, reacted in amazement: "The antitrust case against Microsoft may or may not have merit....But Morales' decision is pretty shocking in any event...the decision should be based on whether he believes the company has violated the law. Instead, Morales openly interpreted his duty as promoting the state's commercial interests."

There is something quaint in the innocence Weisberg exudes, and in his assumption that the enforcement of economic regulations is a pristine, nonpolitical endeavor. But what is truly "shocking" is that a political journalist—one whose column is titled "Strange Bedfellows"—would fail to appreciate the financial interests that, just to pick a random example, would drive a crusading attorney general into the toasty warm bed sheets of a few hot computer magnates.

Political science quiz: Today's category is decision making at the Federal Trade Commission and the Department of Justice (the two agencies have joint jurisdiction for antitrust enforcement). The question is, Which is more important in the merger approval process: 1) a sophisticated economic study prepared by staff economists, complete with extensive industry data, statistical analysis, and tight reasoning, or 2) a scratchy, three-minute cellphone call from the secretary of commerce?

In 1991, the Time Warner buyout of Turner Broadcasting zipped past the FTC, despite a staff report branding the merger as anti-competitive. After Ted Turner and Gerald Levin, the two CEOs involved, visited top officials in Washington, the commissioners tossed the staff work out the window.

Did they disagree with the competitive analysis? Was it a difference of opinion as to the cross-elasticity of demand? Or were the politically appointed regulators moved by a higher voice?

It would be nice if the pundits who explained our politics to us could see where the politics goes. Most of our government's key decisions are made in meetings like the one Morales had with the computer boys before dropping his suit.

That's what "access," and the campaign contributions used to purchase it, are all about. The chitchat and photo-ops which form the press's interpretation of politics are really just campaigning, and campaigning is to government what the regular season is to the NBA: a very tedious drumroll.

Apparently Weisberg believes that astute government prosecutors can (and should) seal themselves off from grubby business interests, thus removing politics from the process. Cases would be decided only on the merits, not on whose ox is gored—or whether he knows the vice president personally.

There are only three problems with that view. First, it is absurd. Not until the 12th of Never will politicians *not* talk to the folks they regulate; the chance to cut a deal is why they got interested in this line of work in the first place. Second, private interests will always exercise their constitutional rights to threaten—or cajole—their patrons in high places. Sorry, but that's just America, and we've got a Bill of Rights to prove it. Third, the regulators *have* to talk to interested parties because they are the ones who actually know what's going on.

Does Weisberg not recognize that the big Microsoft suit has been made possible only through the cooperation of Microsoft's many private sector foes, who have plied the DOJ with juicy memos and cheap data? Is it really a secret that the rulings of all Washington agencies rely almost completely on information provided by private businesses? Or that without such cooperation, the regulators don't have a fighting chance to get anything right?

Here's the kicker: Often, the information is excellent. Take the very example that appalled Weisberg. If the Microsoft lawsuit would actually help make the software market more competitive, the evil corporate lobbyists from Dell and Compaq would have been urging the trustbusters onward. After all, these companies are the world's biggest customers of the monopolist in question. If anything can be done to make operating systems cheaper or more functional, they'll not only show up at the party, they'll bring the beer.

So it turns out that Morales, who was no doubt acting out of political self-interest, was led to do the right thing for the people of his state. That Morales's motives were not pure does not make him an unusual state attorney general. That he lives in Texas, where the Microsoft customers whom the do-gooders purport to help are big enough to frighten the bejesus out of an ambitious public servant, does.

Contributing Editor Thomas W. Hazlett (hazlett@primal.ucdavis.edu) teaches economics and public policy at the University of California, Davis.

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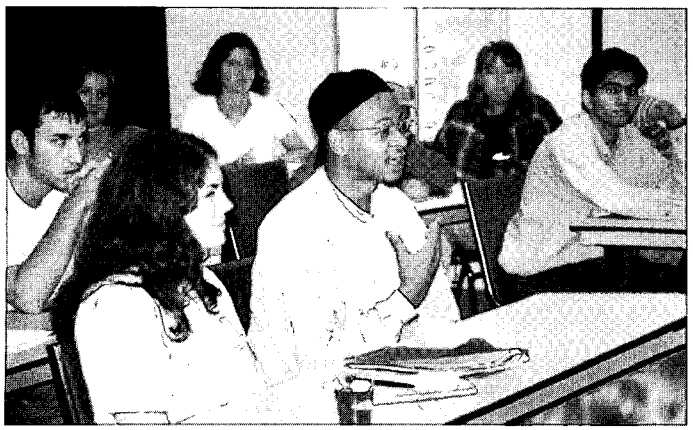

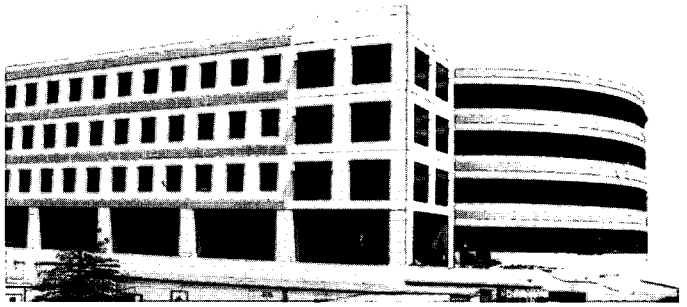

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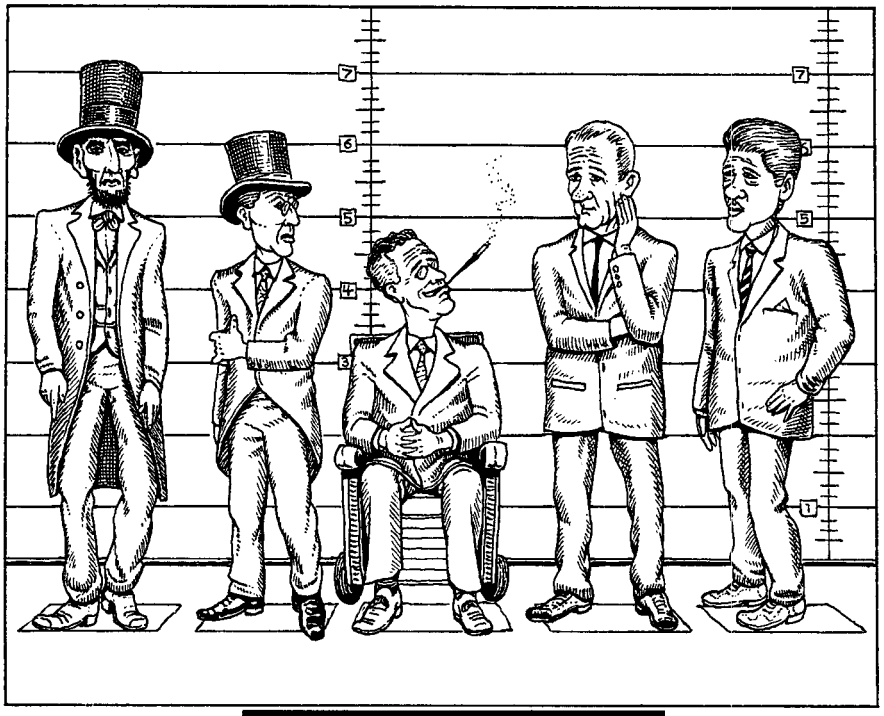

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